

**MITIGATED
NEGATIVE
DECLARATION AND
INITIAL STUDY
FOR:**

SEASHORE VILLAGE



prepared for:

**THE CITY OF
NEWPORT BEACH**

Contact:
Brandon Nichols
Associate Planner

prepared by:

**THE PLANNING
CENTER**

Contact:
Elizabeth Kim
Associate Planner

FEBRUARY 2008

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FOR:**

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prepared for:

**CITY OF NEWPORT
BEACH**

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FEBRUARY 2008

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1. Introduction

Seashore Village LLC seeks City approval for a tentative tract map, modification permit, use permit, and Coastal Residential Development Permit to construct a 24-unit residential community on approximately 1.49 acres in the City of Newport Beach. Development of the proposed project also requires the approval of a Coastal Development Permit from the California Coastal Commission to construct in the Coastal Zone. The site is currently developed with a 54-unit apartment complex and associated uses.

The City of Newport Beach, as Lead Agency for the project, is responsible for preparing environmental documentation in accordance with the California Environmental Quality Act (CEQA) as amended, to determine if approval of the discretionary actions requested and subsequent development could have a significant impact on the environment. This Initial Study will provide the City of Newport Beach with information to document potential impacts of the proposed project.

1.1 PROJECT LOCATION

The project site is located at 5515 River Avenue in the City of Newport Beach, Orange County, California. The project site is generally bordered by River Avenue to the north, Seashore Drive to the south residential units, including vacation rentals, to the east, and a City-owned park to the west. Figure 1, *Regional Location*, and Figure 2, *Local Vicinity*, show the location of the project site in the regional and local context of Orange County and Newport Beach, respectively.



1.2 ENVIRONMENTAL SETTING

1.2.1 Existing Land Use

The approximately 1.49-acre project site (APN No. 424-471-03) is relatively flat and has a trapezoidal shape. The project site is currently developed with a 54-unit apartment complex (Las Brisas Apartments). The main building of the Las Brisas Apartment is an L-shaped, three-story building with carports on the first level. Other associated uses include a swimming pool, paved parking area, and planters. The project site is currently accessed via two driveways on River Avenue. Access from and to Seashore Street and Neptune Avenue is blocked by a wooden fence. See Figure 3, *Aerial Photograph*.

1.2.2 Surrounding Land Use

The project site is surrounded by residential uses, such as vacation rental units to the north, south, and east, and a city park to the west. The West Newport Park is located immediately west of the project site and is equipped with a play area, water fountains, tennis courts, racquetball courts, a basketball half court, and restroom facilities. The Pacific Ocean is one block to the southwest, less than 200 feet from the project site, and the Pacific Coast Highway runs adjacent to the residential properties to the north, behind an alley and an approximately nine-foot tall block wall.

1. Introduction

1.3 PROJECT DESCRIPTION

1.3.1 Proposed Land Use

The project applicant, Seashore Village LLC, proposes to develop 12 single-family detached units and 6 duplex units, for a total of 24 units, on a 1.49-acre site at 5515 River Avenue in Newport Beach. See Figure 4, *Proposed Site Plan*. As shown in Figures 4 and 5, the proposed project would be completed in three phases with two building styles: Plantation and Craftsman. Single-family units with Plantation and Craftsman architectural styles would front Seashore Drive alternately, and duplex units with Plantation and Craftsman architectural styles would front River Avenue alternately.

The current permitted density at the site is 51 units per acre and the proposed project would yield 16 units per acre. The project proposes a gross floor area of 57,906 square feet and a floor area ratio of 0.78. The development proposes three plan types—Plan A during Phase I, Plan B during Phase II, and Plan C during Phase III—and four floor plans ranging in size from 1,770 square feet to 3,248 square feet, including attached garages, patios, and decks. Figure 6 shows Plan A building elevations, Figure 7 shows Plan B elevations, and Figures 8a through 9b show Plan C building elevations. For Plan A, the maximum ridgeline height would be 31 feet and the maximum midpoint height would be 25 feet and 6 inches (see Figure 6). For Plan B, the maximum ridgeline height would be 31 feet and 4 inches and the midpoint height would be 26 feet and 8 inches (see Figure 7). For Plan C, the maximum ridgeline height would be 31 feet and 4 inches and the maximum midpoint height would be 29 feet and 6 inches.

The site is currently developed with a 54-unit apartment complex. The existing apartment complex would be demolished in preparation for development of the proposed project. The existing apartment complex has been surveyed for asbestos containing materials (ACMs) and all ACMs would be abated prior to demolition. The site would be balanced and no import or export of soils would be required.

Access and Parking

Access to the project site would be provided by two driveways on River Avenue and a driveway from Neptune Avenue. The western driveway on River Avenue would exclusively serve one single-family unit, and all other access would be provided through River Avenue and Neptune Avenue.

The proposed project would provide a total of 60 parking spaces. These parking spaces would include spaces within attached garages and 13 guest parking spaces, including one handicap space.

1.3.2 Project Phasing

Development of the Seashore Village project would be completed in approximately 18 months, as listed below.

- asbestos abatement (2 weeks to 1 month)
- building demolition (approximately 30 days).
- site grading (approximately 30 days).
- building construction in three subphases, as shown in Figure 4. (approximately 16 months)

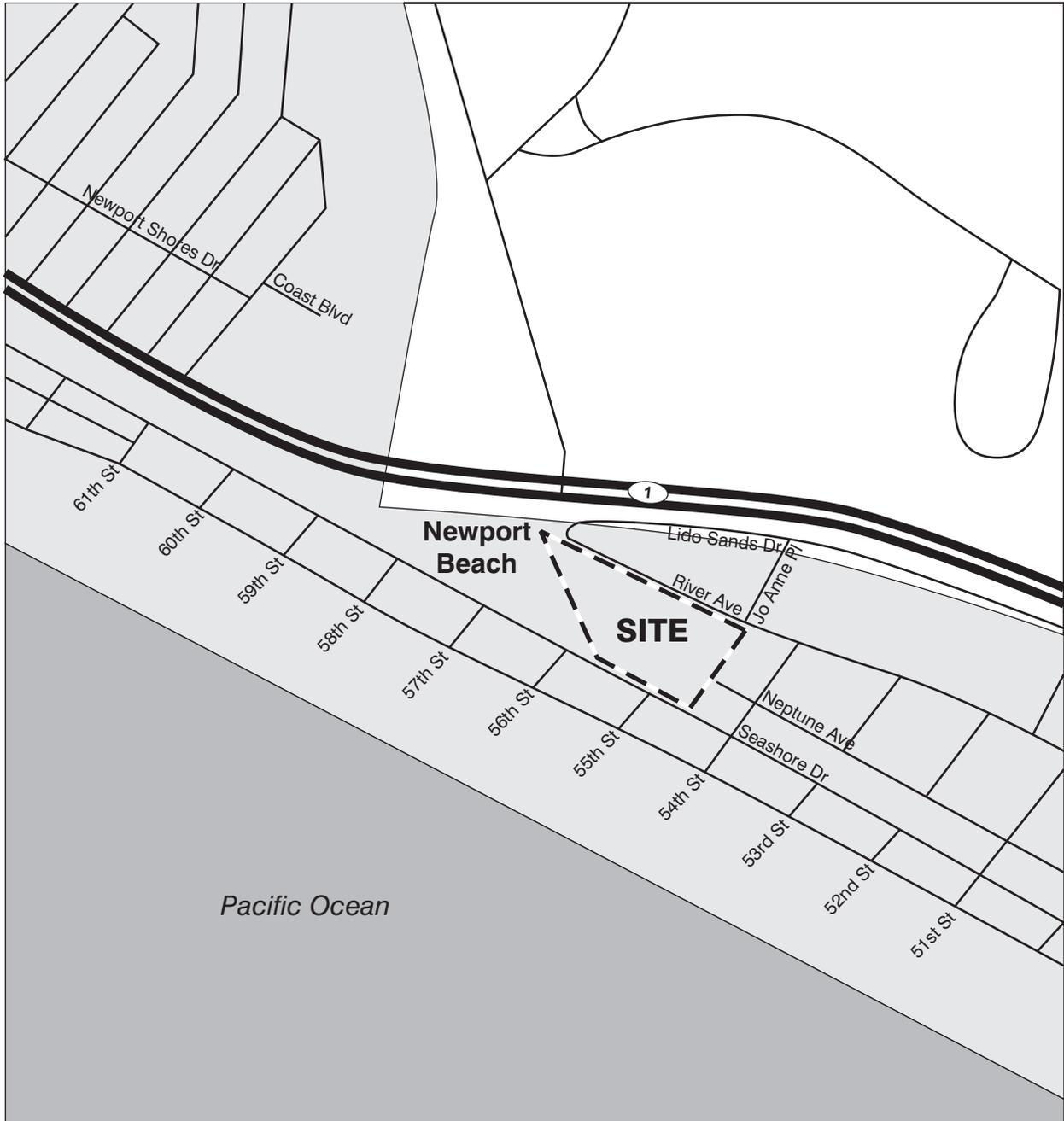
Regional Location



1. Introduction

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Local Vicinity



--- Site Boundary

0 2,000
Scale (Feet)



1. Introduction

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Aerial Photograph



--- Site Boundary

0 100
Scale (Feet)



1. Introduction

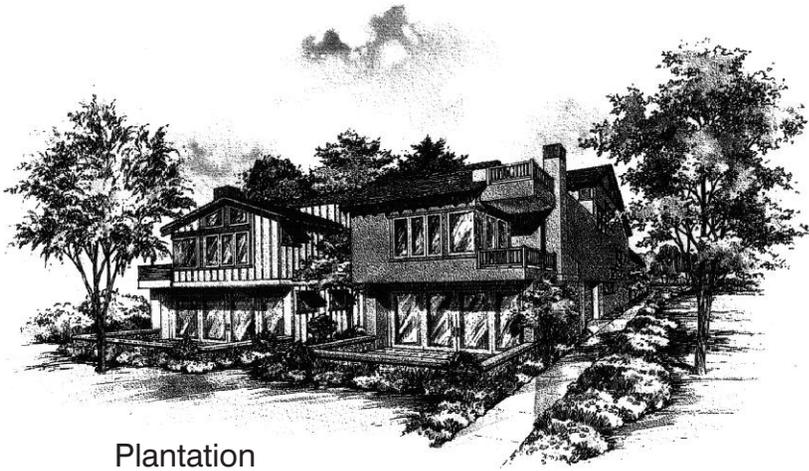
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1. Introduction

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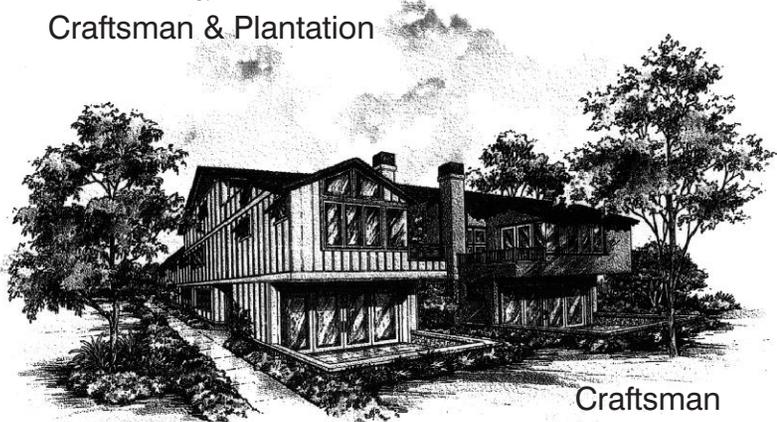
Architectural Renderings

Plan B
Craftsman & Plantation



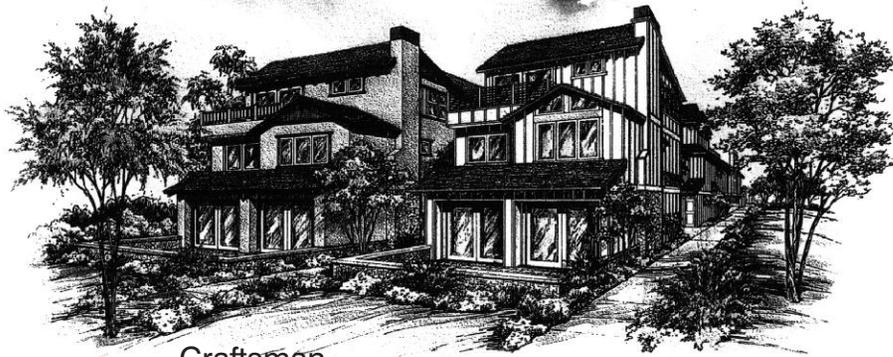
Plantation
Craftsman

Plan A
Craftsman & Plantation



Plantation
Craftsman

Plan C
Craftsman & Plantation



Craftsman
Plantation



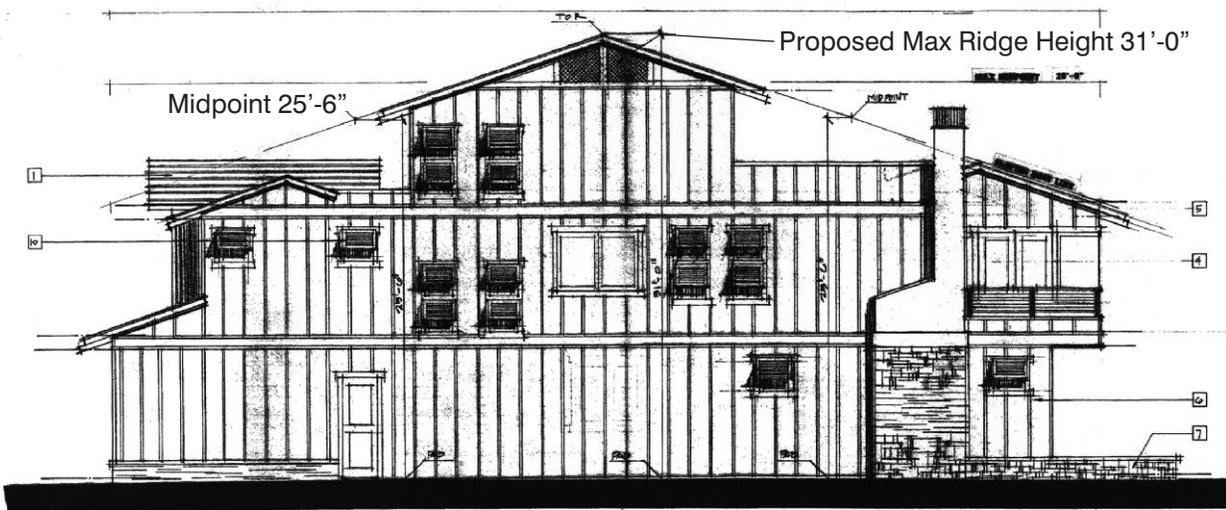
1. Introduction

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Plan A Single-Family Building Elevations



Craftsman
(Left Side Elevation)

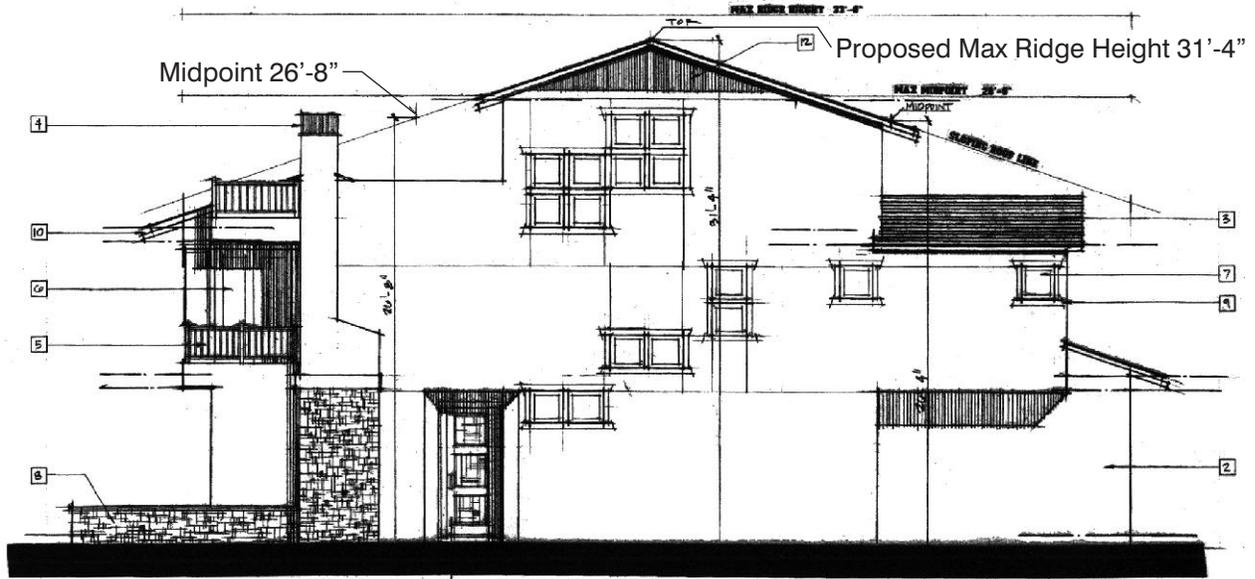


Plantation
(Left Side Elevation)

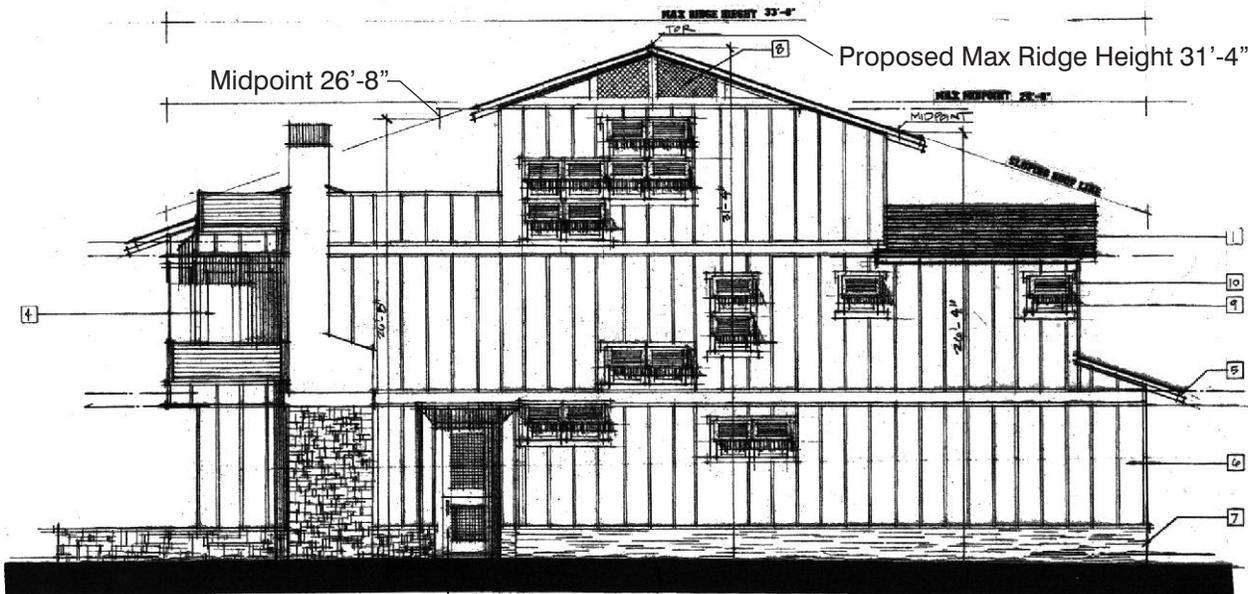
1. Introduction

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Plan B Single-Family Building Elevations



Craftsman
(Right Side Elevation)

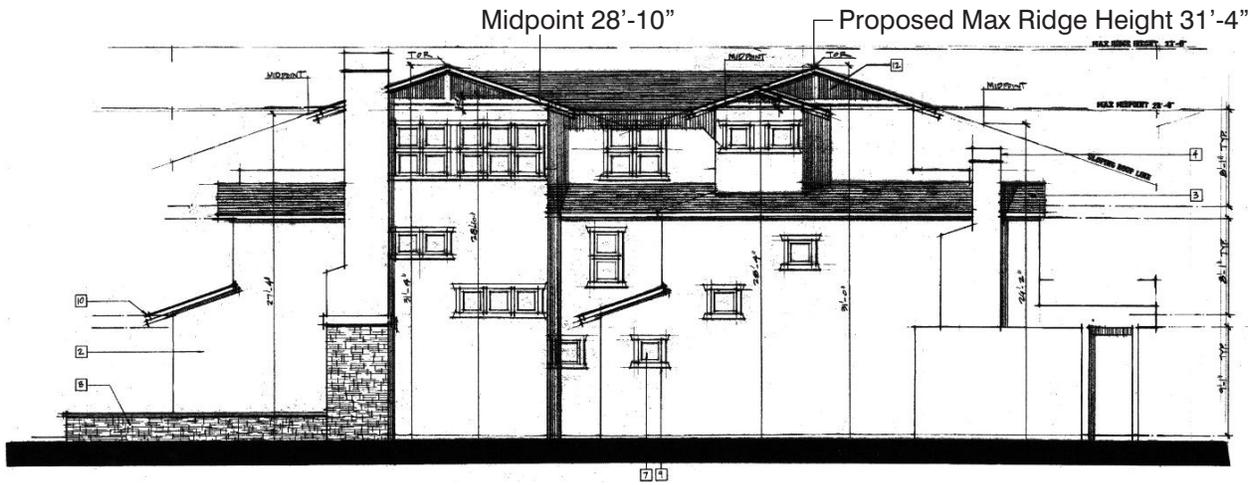


Plantation
(Right Side Elevation)

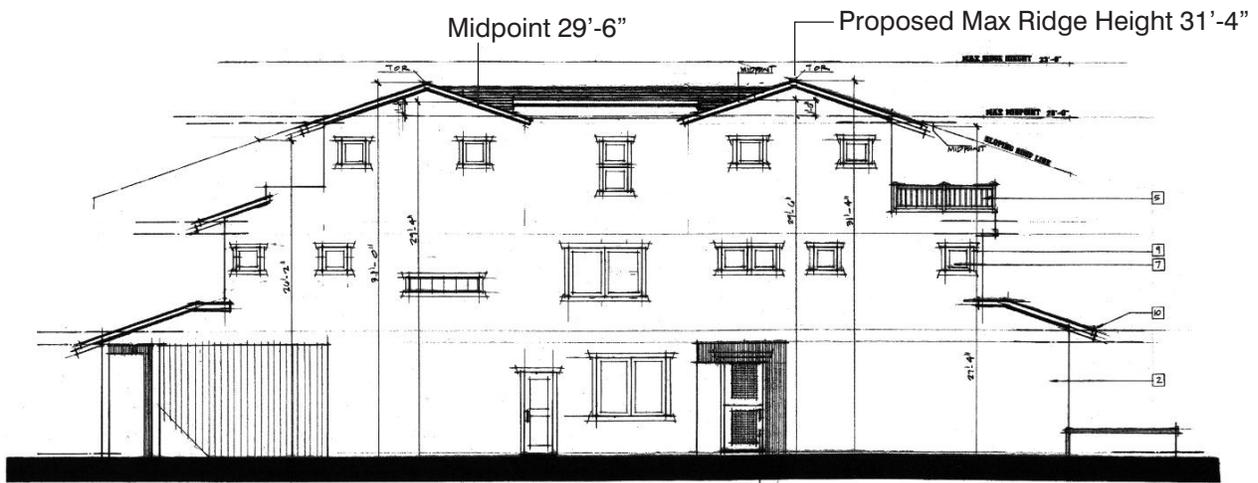
1. Introduction

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Plan C Duplex Building Elevations (Craftsman)



Right Side Elevation



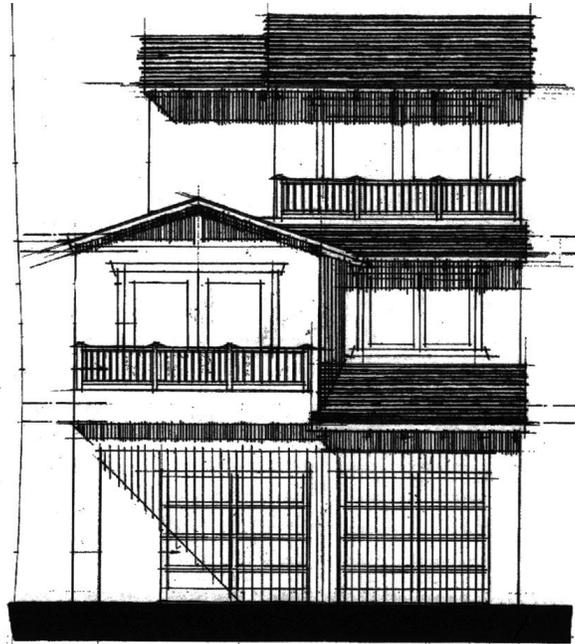
Left Side Elevation



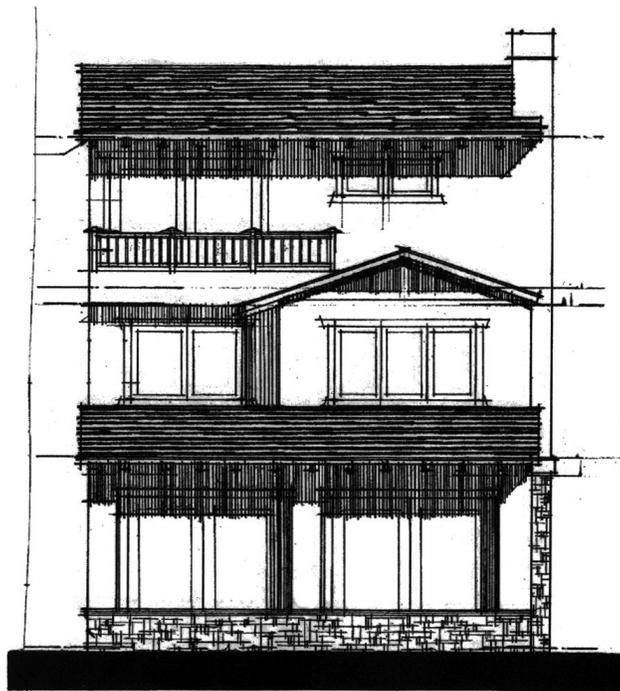
1. Introduction

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Plan C Duplex Front & Rear Elevations (Craftsman)



Rear Elevation - Driveway View

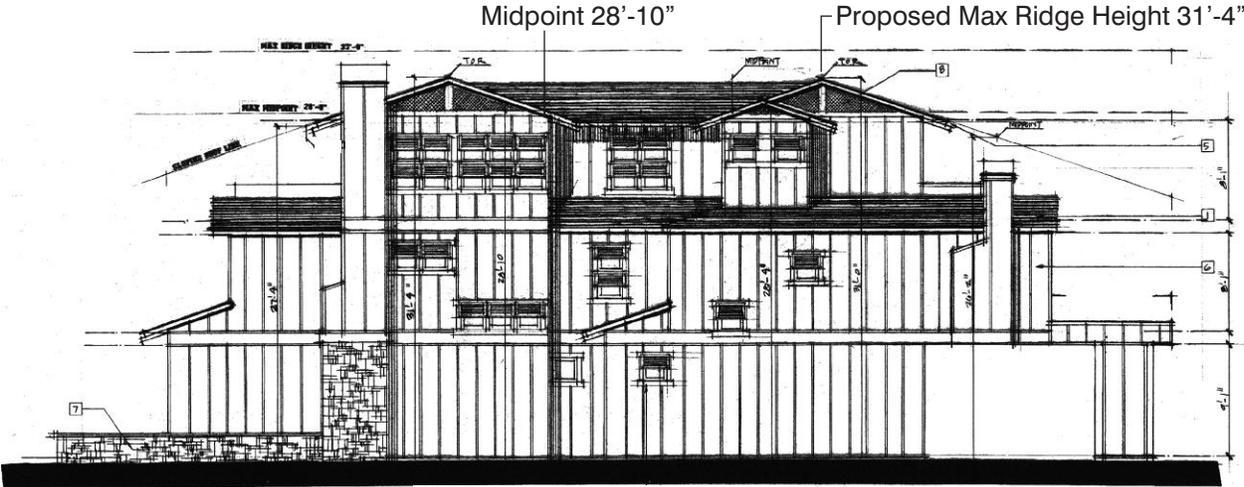


Front Elevation - Street View

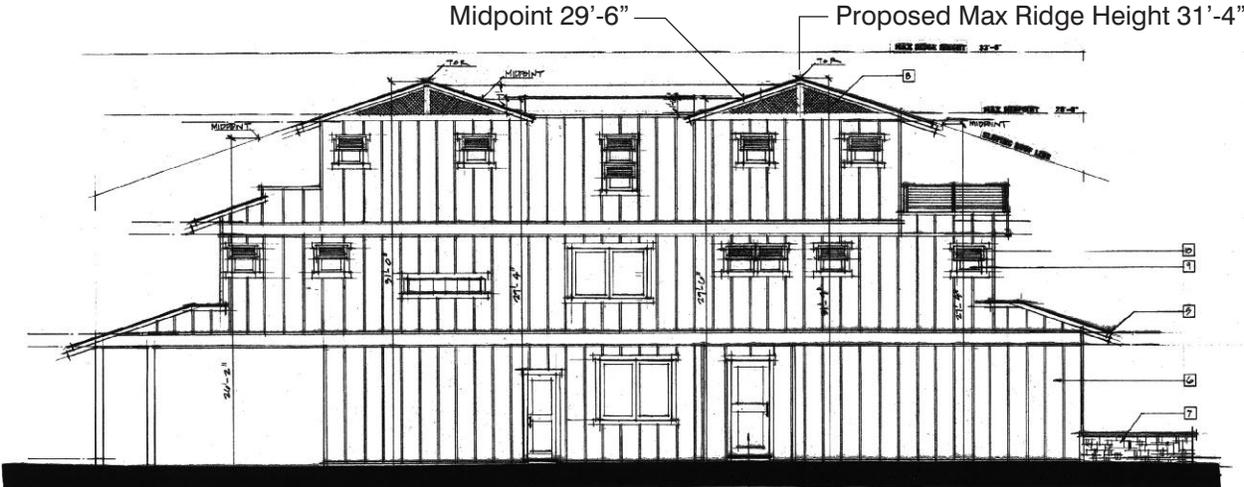
1. Introduction

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Plan C Duplex Building Elevations (Plantation)



Right Side Elevation



Left Side Elevation

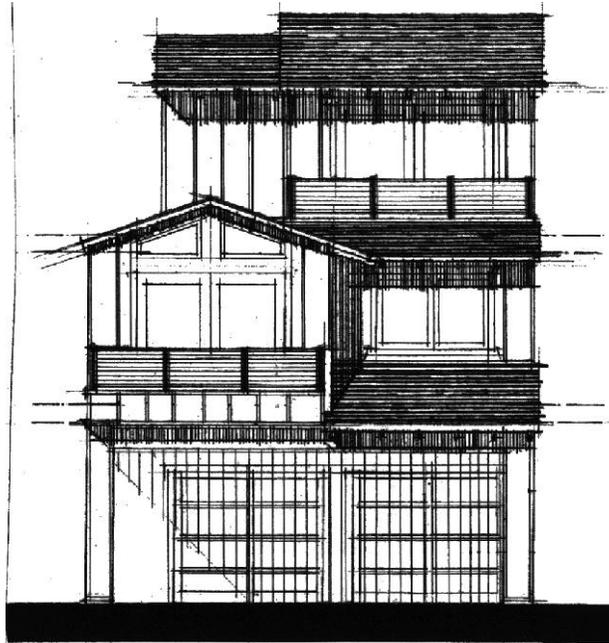


Source: Todd Schooler & Associates, Inc., 2007

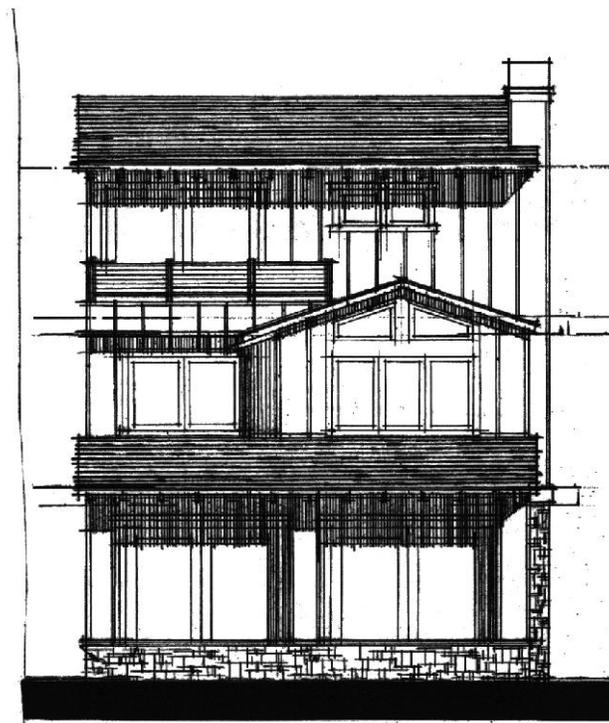
1. Introduction

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Plan C Duplex Front & Rear Elevations (Plantation)



Rear Elevation - Driveway View



Front Elevation - Street View

1. Introduction

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1.4 EXISTING ZONING AND GENERAL PLAN

The General Plan designation for the project site is RM (Multiple Unit Residential) and the project site is zoned Multiple-Family Residential (MFR). The project site is located in the Coastal Zone and is designated as High Density Residential (RH-A) in the Coastal Land Use Plan.

1.5 DISCRETIONARY APPROVALS

Seashore Village LLC is seeking approvals for the implementation of the proposed project. The intent of this Initial Study and Mitigated Negative Declaration is to enable the City of Newport Beach, other responsible agencies, and interested parties to evaluate the environmental impacts of the proposed project, thereby enabling them to make informed decisions with respect to the requested entitlements.

The proposed project would require the following entitlements from the City of Newport Beach:

- **Approval of Tentative Tract Map No. 17194 (TTM 17194).** Request to approve TTM 17194 for condominium purposes, creating 24 airspace condominium units.
- **Modification Permit.** Request to reduce the minimum building separation distance required by the MFR zoning designation from 10 feet to 6 feet and to reduce the minimum front setback distance along Seashore Drive required by the MFR zoning designation from 20 feet to 10 feet. A modification permit is also requested for a 3-foot sideyard setback where the MFR zone requires approximately 25 feet sideyard setback based on lot width.
- **Use Permit.** Request to exceed the midpoint height requirement of 28 feet for the duplex structures by 1 foot and 6 inches, whereas the maximum permitted ridge height of 33 feet would not be exceeded.
- **Coastal Residential Development Permit (CRDP).** Required to ensure compliance with California Government Code Section 65590 et. Seq. and Chapter 20.86 of the City of Newport Beach Municipal Code for projects located within the Coastal Zone.
- **Coastal Development Permit (CDP).** Coastal Development Permits are obtained through the California Coastal Commission and are generally required for improvements, demolition, or construction of any structure located within the Coastal Zone boundary.



1. Introduction

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2. *Environmental Checklist*

2.1 **BACKGROUND**

1. **Project Title:** Seashore Village

2. **Lead Agency Name and Address:**
Newport Beach Planning Department
3300 Newport Boulevard
PO Box 1768
Newport Beach, CA 92658-8915

3. **Contact Person and Phone Number:**
Brandon Nichols, Associate Planner
949.644.3234

4. **Project Location:** The project site is at 5515 River Avenue in the City of Newport Beach, Orange County, California. The project site is bordered by River Avenue to the north, Seashore Drive to the south, existing residential units to the east, and a City-owned park to the west.

5. **Project Sponsor's Name and Address:**
Seashore Village, LLC
c/o Grant Lane
1550 North 40th Street, #10
Mesa, AZ 85205

6. **General Plan Designation:** RM (Multiple Unit Residential)

7. **Zoning:** Multiple-Family Residential (MFR)

8. **Description of Project:** The applicant proposes to develop 12 single-family detached units and 6 duplex units for a total of 24 units on a 1.49-acre site at 5515 River Avenue. The site is currently developed with a 54-unit apartment complex. This existing use would be demolished and removed in preparation for development of the proposed project. The proposed project would yield 16 units per acre, within the permitted density of 51 units per acre. The applicant proposes a gross floor area of 57,906 square feet. The applicant proposes three plan types and four floor plans ranging in size from 1,770 square feet to 3,248 square feet, including attached garages, patios, and decks.

Access to the project site would be provided by two driveways on River Avenue and a driveway from Neptune Avenue. The western driveway on River Avenue would exclusively serve one single-family unit, and all other access would be provided through River Avenue and Neptune Avenue.

The proposed project would provide a total of 60 parking spaces. These parking spaces would include spaces within attached garages and 13 guest parking spaces, including one disabled space.



2. Environmental Checklist

9. Surrounding Land Uses and Setting:

The project site is surrounded by residential uses, such as vacation rental units, to the north, south, and east, and a city park to the west. City-owned West Newport Park, with a play area, water fountains, tennis courts, racquetball courts, a basketball half court), and restroom facilities, is immediately west of the project site. The Pacific Ocean is situated one block to the southwest of the project site and Pacific Coast Highway runs adjacent to the residential properties to the north behind an alley and an approximately nine-foot tall sound wall.

10. Other Public Agencies Whose Approval Is Required:

- Regional Water Quality Control Board – Issue a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities.
- South Coast Air Quality Management District – Permit to Construct
- California Coastal Commission – Permit to construct within the Coastal Zone boundaries

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For



2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analyses Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

2. Environmental Checklist

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.



2. Environmental Checklist

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| I. AESTHETICS. Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | | | X | |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | X | |
| II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | | X |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | | | | X |
| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | | | X | |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | X | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | | X | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | | X | | |
| e) Create objectionable odors affecting a substantial number of people? | | | X | |
| IV. BIOLOGICAL RESOURCES. Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | X |

2. Environmental Checklist

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X |
| V. CULTURAL RESOURCES. Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | | | X | |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | | X | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | X | | |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | | | X | |
| VI. GEOLOGY AND SOILS. Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | X | |
| ii) Strong seismic ground shaking? | | | X | |
| iii) Seismic-related ground failure, including liquefaction? | | X | | |
| iv) Landslides? | | | X | |
| b) Result in substantial soil erosion or the loss of topsoil? | | | X | |



2. Environmental Checklist

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | X | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | | | X | |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | | | | X |
| VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | X | | |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | X | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | X | |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | | | X | |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | X | |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X |

2. Environmental Checklist

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|---|---------------------------------------|---|-------------------------------------|------------------|
| VIII. HYDROLOGY AND WATER QUALITY. Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | | | X | |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | | | X | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site | | | X | |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | X | |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | | | X | |
| f) Otherwise substantially degrade water quality? | | | X | |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | X | |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | | | X | |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | X | |
| j) Inundation by seiche, tsunami, or mudflow? | | | X | |
| IX. LAND USE AND PLANNING. Would the project: | | | | |
| a) Physically divide an established community? | | | X | |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X |



2. Environmental Checklist

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|--|---------------------------------------|---|-------------------------------------|------------------|
| X. MINERAL RESOURCES. Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state? | | | | X |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | | | | X |
| XI. NOISE. Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | X | | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |
| XII. POPULATION AND HOUSING. Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | X | |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | X | |
| XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| a) Fire protection? | | | X | |
| b) Police protection? | | | X | |
| c) Schools? | | | X | |
| d) Parks? | | | X | |
| e) Other public facilities? | | | X | |

2. Environmental Checklist

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| XIV. RECREATION. | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | X | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | | | X | |
| XV. TRANSPORTATION/TRAFFIC. Would the project: | | | | |
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | | | X | |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | X | |
| e) Result in inadequate emergency access? | | | X | |
| f) Result in inadequate parking capacity? | | | X | |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | X |
| XVI. UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board? | | | X | |
| b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | X | |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed? | | | X | |
| e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | X | |



2. Environmental Checklist

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|--|---------------------------------------|---|-------------------------------------|------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | X | |
| XVII. MANDATORY FINDINGS OF SIGNIFICANCE. | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | X | | |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | | X | |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | X | | |

3. *Environmental Analysis*

Section 2.3 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 **AESTHETICS**

a) **Have a substantial adverse effect on a scenic vista?**

Less Than Significant Impact. The project site is not part of a scenic vista. The project site is located in a coastal area. Newport Beach is located in a unique physical setting that provides a variety of spectacular coastal views, including those of the open waters of the ocean and bay, harbor, sandy beaches, rocky shores, wetlands, canyons, and coastal bluffs. As shown in Figure 10, *Coastal Views*, the project site is not located in the near vicinity of designated public view point or coastal view road. The nearest public viewpoint is located approximately 1,000 feet to the northwest and the proposed project would not directly obstruct its view of the ocean.

While the proposed project would not substantially alter the visual character of the project area from designated public view points, viewing perspectives from the neighboring residents would be changed. However, as shown in Figures 11a and 11b, *Site Photographs*, the project site and its surrounding area are developed with residential units of similar height (three stories) and there is no direct full view of the ocean. Existing views of the ocean are already compromised by these residential units on Seashore Drive.

A modification permit is requested to reduce the minimum building separation distance required by the MFR zoning designation from 10 feet to 6 feet and to reduce the minimum front setback distance along Seashore Drive by 20 feet to 10 feet. The current building designs are similar in size, proportion, and separation to existing buildings in the neighborhood. Typical building separation in the neighborhood is approximately 6 feet and has a minimum setback of 10 feet along River Avenue and 5 feet along Seashore Drive.

The project site is located within the shoreline height limitation zone, which limits residential development height to 28 feet. However, the ridges of pitched roofs are permitted to exceed the height limit by 5 feet, provided that the midpoints of the roof planes are at 28 feet. The new building heights would range from approximately 31 feet to 33 feet. While the 12 newly proposed single-family units along Seashore Drive would comply with the midpoint requirement of 28 feet, duplex units along River Avenue would exceed this requirement by approximately 1.5 feet.

Under the MFR zone, a single multifamily structure of over 50 units for the project site is allowed. The existing apartment building is a single, 54-unit structure, approximately 28 feet tall (three stories), with no breaks in building massing. The intent of the height limitation zone is to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach. As shown in Figure 11b, typical buildings in the area are three-story, rectangular buildings, and they already obstruct views of the ocean. The proposed visual and physical massing of structures would be compatible with the character of the neighborhood. The proposed project would allow for more public visual open space,



3. Environmental Analysis

and 24 single-family and duplex units situated on individual pads would be more compatible with the existing neighborhood than the single apartment complex with multiple units under one roof. As stated, a minimal encroachment into the 28-foot height limitation is requested only for the duplex units along River Avenue. The Craftsman and Plantation styles proposed for the project require low pitched-gable rooflines and conforming to the height limitation would result in a more massive structure than currently proposed. Figure 12 compares the conforming design to the current project. As shown, an alternative to exceeding the height limitation by 1.5 feet would be to construct taller structures with longer roof spans. The proposed project results in shorter overall structure design that provides more visual open space.

Furthermore, as stated in Policy 4.4.2-2 of the *Coastal Land Use Plan*, the bulk and height limitation is to “preserve *public views* through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize *public view opportunities*” (emphasis added). The proposed project would not substantially obstruct or block the public view opportunities of the ocean. Although the height limitation would be exceeded, the new development would not conflict with the intent of the shoreline height limitation as the development would be compatible with the existing visual scale of the neighborhood. The proposed project would not have an adverse effect on a scenic vista. No mitigation measures are necessary.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

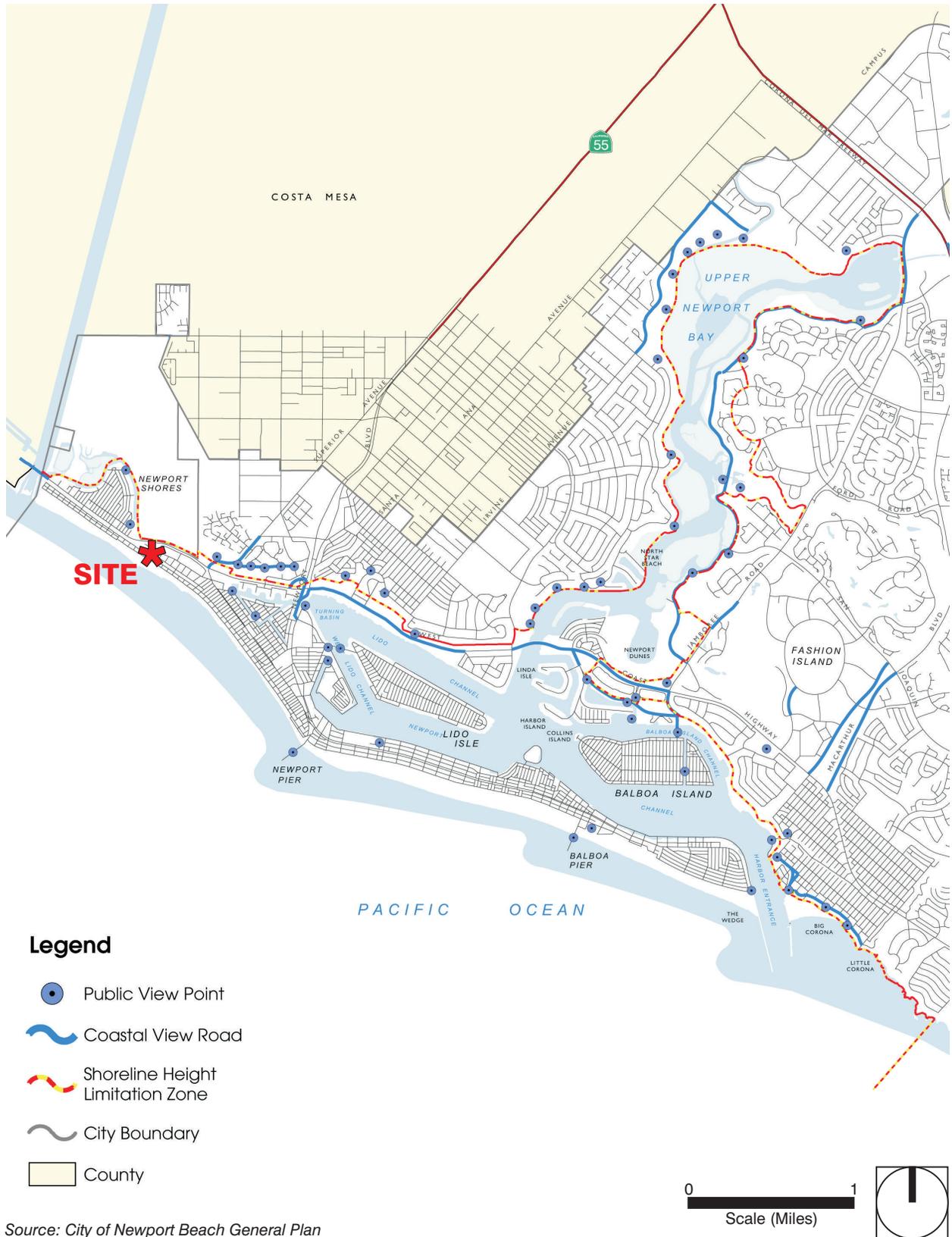
No Impact. State Route 1 (Pacific Coast Highway) is designated as Eligible to be a state scenic highway. The designated segment starts east of Newport Avenue, approximately 1.5 miles east of the project site. An approximately 1,000-foot segment of Superior Avenue between Pacific Coast Highway and Hospital Road is designated as a Coastal View Road by the City of Newport Beach General Plan. However, the project site is currently developed with an apartment complex and does not contain any visually unique resources including, but not limited to, trees, rock outcroppings, or historic buildings. Implementation of the proposed project would not substantially damage scenic resources. No mitigation measures are necessary.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. The project area is primarily residential except for the city park to the west. As shown in Figures 5 through 9b the proposed development would have two building styles: plantation style and craftsman style. Single-family units with plantation and craftsman architectural styles would front Seashore Drive alternately, and duplex units with plantation and craftsman architectural styles would front River Avenue alternately. As shown in Figures 11a and 11b, *Site Photographs*, the existing neighborhood generally displays two- to three-story residential units, including vacation rental homes, with various architectural styles. There are no uniform building characteristics and construction of 24 units with a combination of two architectural styles would not have a substantial degrading impact to the area’s aesthetic quality. Furthermore, the existing multifamily complex provides a minimal landscaping area of 9,393 square feet (14.4 per cent). The proposed project would more than double the on-site landscaping area to 20,987 square feet (32.2 per cent), especially along the two street frontages. Therefore, the proposed project is anticipated to complement rather than degrade the existing visual character and quality of the site and its surroundings. No mitigation measures are necessary.

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Coastal Views



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3. Environmental Analysis

Site Photographs



View of the site looking south toward the ocean.



View of the site looking northeast.

3. Environmental Analysis

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3. Environmental Analysis

Site Photographs



Seashore Drive looking west.



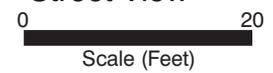
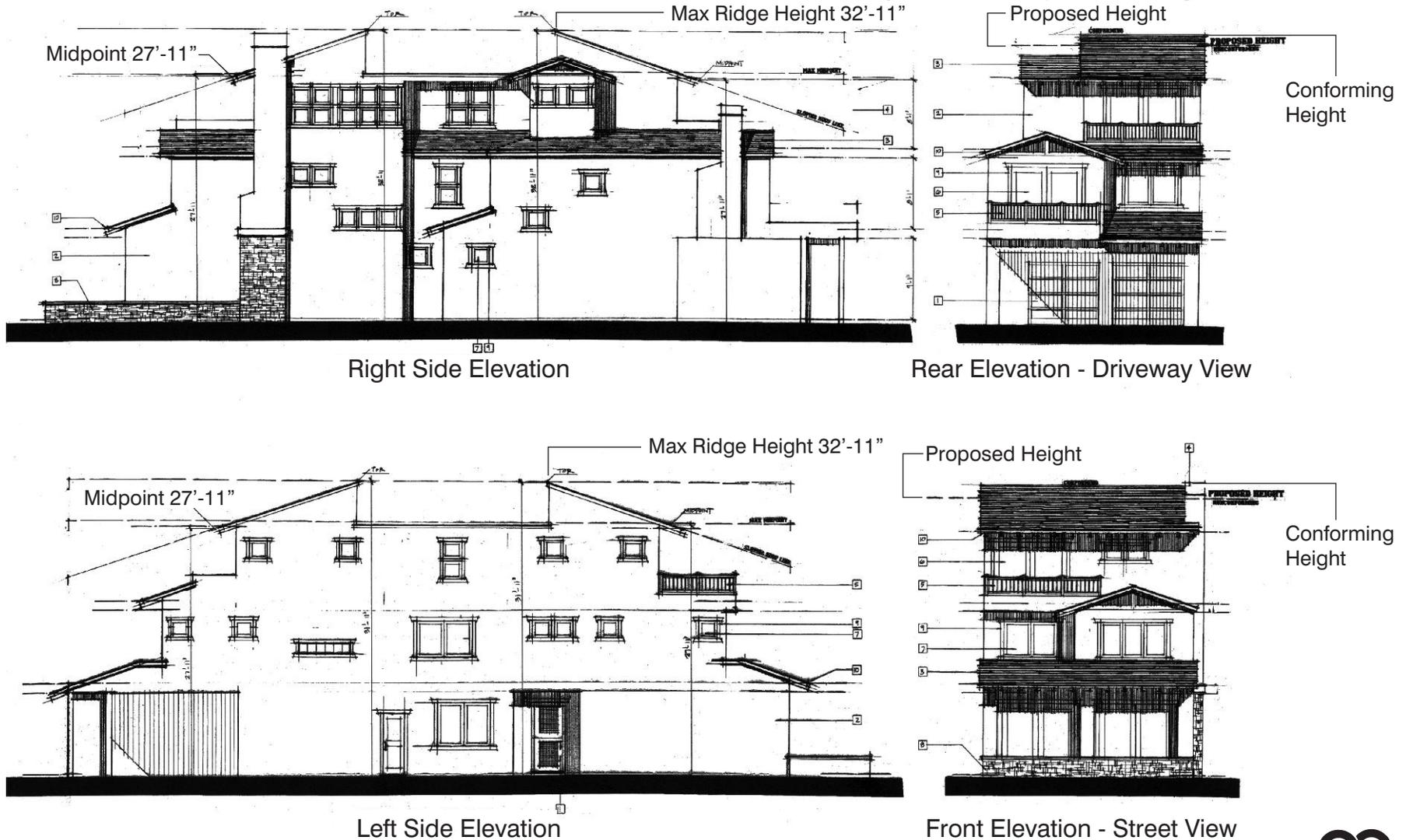
Seashore Drive looking southeast.

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3. Environmental Analysis

Plan C Duplex Conforming Structure



3. Environmental Analysis

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d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The project site is developed with an apartment complex and associated uses. Minimal light sources exist on the project site. No elevated parking lot lighting is provided within the project site, as a fair amount of ambient lighting from surrounding land uses already exists. Sources of light in the project area consist of lighting from the residential uses north, south, and east of the project site, the City-owned park to the west, and from street lights. Daytime glare sources include glass and other reflective building materials from the existing apartment complex.

The City of Newport Beach does not have a lighting ordinance defining the maximum light intensity. The proposed project would not include any flashing lights or high-intensity nighttime lighting that would adversely affect nighttime views in the area. It is anticipated that on-site lighting would be typical of residential development and no unusual types or number of lighting fixtures have been proposed. The proposed project would not generate greater levels of light and glare than currently exist on-site. The impacts would be less than significant and no mitigation measures are necessary.

3.2 AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The proposed project site is located in a developed area and is not currently used for agricultural purposes. The site is not designated Prime, Unique, or Farmland of Statewide Importance according to the State Farmland Maps. No significant impacts would occur and no mitigation measures are necessary.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is not currently zoned or used for agricultural purposes and does not fall under a Williamson Act Contract. No significant impacts would occur and no mitigation measures are necessary.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact. The project site is not currently used for agricultural purposes; therefore, the project would not result in the conversion of farmland to nonagricultural uses. No impacts to farmland would occur. No significant impacts would occur and no mitigation measures are necessary.



3. *Environmental Analysis*

3.3 AIR QUALITY

The Air Quality section addresses the impacts of the proposed project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthful pollutant concentrations. Air pollutants of concern include ozone, carbon monoxide, particulate matter, and oxides of nitrogen. This section analyzes the type and quantity of emissions that would be generated by the construction and operation of the proposed project.

Climate/Meteorology

Air quality is affected by both the rate and location of pollutant emissions and by meteorological conditions that influence movement and dispersal of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local topography, provide the link between air pollutant emissions and air quality.

The City of Newport Beach is located within the South Coast Air Basin (SoCAB) which is managed by the South Coast Air Quality Management District (SCAQMD). The SoCAB incorporates approximately 6,645 square miles within four counties—San Bernardino, Riverside, Los Angeles, and Orange—including some portions of what was previously known as the Southeast Desert Air Basin. In May 1996, the boundaries of the South Coast Air Basin were changed by the California Air Resources Board (CARB) to include the Beaumont-Banning area.

The distinctive climate of the SoCAB is determined by its terrain and geographic location. The SoCAB is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the southwest and high mountains around the rest of its perimeter. The general region lies in the semipermanent high-pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is interrupted occasionally by periods of extremely hot weather, winter storms, or Santa Ana winds.

The vertical dispersion of air pollutants in the SoCAB is hampered by the presence of persistent temperature inversions. High-pressure systems, such as the semipermanent high-pressure zone in which the SoCAB is located, are characterized by an upper layer of dry air that warms as it descends, restricting the mobility of cooler marine-influenced air near the ground surface, resulting in the formation of high-level subsidence inversions. Such inversions restrict the vertical dispersion of air pollutants released into the marine layer, and together with strong sunlight, can produce worst-case conditions for the formation of photochemical smog.

The atmospheric pollution potential of an area is largely dependent on winds, atmospheric stability, solar radiation, and terrain. The combination of low wind speeds and low-level inversions produces the greatest concentration of air pollutants. On days without inversions, or on days of winds averaging over 15 mph, smog potential is greatly reduced.

Air Quality Regulations, Plans, and Policies

The Federal Clean Air Act (FCAA) was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act Amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National Ambient Air Quality Standards (NAAQS) and the Prevention of Significant Deterioration (PSD) program. The 1990

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Amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States.

In 1988, the state legislature passed the California Clean Air Act (CCAA), which established California's air quality goals, planning mechanisms, regulatory strategies, and standards of progress for the first time. The CCAA provides the state with a comprehensive framework for air quality planning regulation. The CCAA requires attainment of state ambient air quality standards by the earliest practicable date. Attainment plans are required for air basins in violation of the state ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and particulate matter (PM₁₀ and PM_{2.5}) standards. Preparation of and adherence to attainment plans are the responsibility of the local air pollution districts or air quality management districts.

State and federal agencies have set ambient air quality standards for certain air pollutants. NAAQS have been established for the following criteria pollutants: CO, O₃, SO₂, NO₂, lead (Pb), and respirable particulate matter (PM₁₀ and PM_{2.5}). The state standards for these criteria pollutants are more stringent than the corresponding federal standards. Table 1 summarizes the state and federal standards.

Areas are classified under the FCAA as either attainment or nonattainment areas for each criteria pollutant, based on whether the NAAQS have been achieved or not. The SoCAB is designated by both the state and the US Environmental Protection Agency (USEPA) as a nonattainment area for O₃, PM₁₀, and PM_{2.5}.



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Table 1
Ambient Air Quality Standards for Criteria Pollutants

| Pollutant | Averaging Time | California Standard | Federal Primary Standard | Pollutant Health and Atmospheric Effects | Major Pollutant Sources |
|---|------------------------|----------------------------|---------------------------------|---|---|
| Ozone (O₃) | 1 hour | 0.09 ppm | NA | High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue. | Motor vehicles. |
| | 8 hours | 0.07 ppm | 0.08 ppm | | |
| Carbon Monoxide (CO) | 1 hour | 20 ppm | 35 ppm | Classified as a chemical asphyxiant, CO interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen. | Internal combustion engines, primarily gasoline-powered motor vehicles. |
| | 8 hours | 9.0 ppm | 9 ppm | | |
| Nitrogen Dioxide (NO₂) | Annual Arithmetic Mean | 0.30 ppm | 0.053 ppm | Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown. | Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads. |
| | 1 hour | 0.18 ppm | * | | |
| Sulfur Dioxide (SO₂) | Annual Arithmetic Mean | * | 0.03 ppm | Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight. | Fuel combustion, chemical plants, sulfur recovery plants, and metal processing. |
| | 1 hour | 0.25 ppm | * | | |
| | 24 hours | 0.04 ppm | 0.14 ppm | | |
| Respirable Coarse Particulate Matter (PM₁₀) | Annual Arithmetic Mean | 20 µg/m ³ | 50 µg/m ³ | May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility. | Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g. wind-raised dust and ocean sprays). |
| | 24 hours | 50 µg/m ³ | 150 µg/m ³ | | |
| Respirable Fine Particulate Matter (PM_{2.5}) | Annual Arithmetic Mean | 12 µg/m ³ | 15 µg/m ³ | | |
| | 24 hours | * | 35 µg/m ³ | | |
| Lead (Pb) | Monthly | 1.5 µg/m ³ | * | Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurologic dysfunction (in severe cases). | Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline. |
| | Quarterly | * | 1.5 µg/m ³ | | |
| Sulfates (SO₄) | 24 hours | 25 µg/m ³ | * | Decrease in ventilatory functions; aggravation of asthmatic symptoms; aggravation of cardio-pulmonary disease; vegetation damage; degradation of visibility; property damage. | Industrial processes. |

Source: CARB, updated February 2007.

The nitrogen dioxide AAQS was amended on February 22, 2007, to lower the 1-hr standard to 0.18 ppm and establish a new annual standard of 0.030 ppm.

ppm: parts per million; µg/m³: micrograms per cubic meter

* Standard has not been established for this pollutant/duration by this entity.

Global Climate Change

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHG), to the atmosphere. The primary source of these GHG is from fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHG—water vapor, CO₂, methane (CH₄), and ozone (O₃)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the IPCC that contribute to global warming effect to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.

Assembly Bill 32 (AB 32), the Global Warming Solutions Act, was passed by the California state legislature on August 31, 2006. AB 32 requires the state's global warming emissions to be reduced to 1990 levels by year 2020, and to 80 percent of 1990 levels by year 2050. Pursuant to the requirements of AB 32, the state's reduction in global warming emissions will be accomplished through an enforceable statewide cap on global warming emissions that will be phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop appropriate regulations and establish a mandatory reporting system to track and monitor global warming emissions levels by January 2008. By January 1, 2009, CARB must prepare a plan demonstrating how the 2020 deadline can be met or bettered. However, as immediate progress in reducing GHG can and should be made, AB 32 directed CARB and the newly created California Climate Action Team (CAT) to identify a list of "discrete early action GHG reduction measures" that can be adopted and made enforceable by January 1, 2010. CAT is a consortium of representatives from state agencies that have been charged with coordinating and implementing GHG emission reduction programs that fall outside of CARB's jurisdiction.

To address GHG emissions and global climate change in general plans and CEQA documents, Senate Bill 97 (Chapter 185, 2007) requires the Governor's Office of Planning and Research (OPR) to develop CEQA guidelines on how to address global warming emissions and mitigate project-generated GHG. OPR is required to prepare, develop, and transmit these guidelines on or before July 1, 2009.

Existing Air Quality

Existing levels of ambient air quality and historical trends and projections in the vicinity of the proposed project, are best documented by measurements taken by the SCAQMD. The City of Newport Beach is located within Source Receptor Area (SRA) 18 – Metropolitan (Southeast Los Angeles County). The SCAQMD air quality monitoring station in the SRA 18 that is closest to the proposed project site is the Costa Mesa monitoring station, located at Mesa Verde Drive, Costa Mesa. As this monitoring station does not monitor PM₁₀ or PM_{2.5}, data was supplemented from the Mission Viejo Station for these criteria pollutants. Data from these stations are summarized in Table 2.

The data show occasional violations of both the state and federal ozone standards. The data also indicate that the area occasionally exceeds the state PM₁₀ standard and federal PM_{2.5} standard. Neither the CO nor the NO₂ standard has been violated in the last five years at this station.



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**Table 2
Ambient Air Quality Monitoring Summary**

| Pollutant/Standard | Number of Days Threshold Were Exceeded and Maximum Levels During Such Violations | | | | |
|--|--|-------|-------|-------|-------|
| | 2002 | 2003 | 2004 | 2005 | 2006 |
| Ozone¹ | | | | | |
| State 1-Hour \geq 0.09 ppm | 0 | 4 | 2 | 0 | 0 |
| Federal 8-Hour $>$ 0.08 ppm | 0 | 1 | 1 | 0 | 0 |
| Max. 1-Hour Conc. (ppm) | 0.087 | 0.107 | 0.104 | 0.085 | 0.074 |
| Max. 8-Hour Conc. (ppm) | 0.070 | 0.088 | 0.087 | 0.072 | 0.062 |
| Carbon Monoxide¹ | | | | | |
| State 8-Hour $>$ 9.0 ppm | 0 | 0 | 0 | 0 | 0 |
| Federal 8-Hour \geq 9.5 ppm | 0 | 0 | 0 | 0 | 0 |
| Max. 8-Hour Conc. (ppm) | 4.29 | 5.90 | 4.07 | 3.16 | 3.01 |
| Nitrogen Dioxide¹ | | | | | |
| State 1-Hour \geq 0.25 ² ppm | 0 | 0 | 0 | 0 | 0 |
| Max. 1-Hour Conc. (ppm) | 0.106 | 0.107 | 0.097 | 0.085 | 0.101 |
| Sulfur Dioxide (SO₂)¹ | | | | | |
| State 24-Hour \geq 0.04 ppm | 0 | 0 | 0 | 0 | 0 |
| Federal 24-Hour \geq 0.14 ppm | 0 | 0 | 0 | 0 | 0 |
| Max 24-Hour Conc. (ppm)- | 0.011 | 0.012 | 0.008 | 0.008 | 0.005 |
| Coarse Particulates (PM₁₀)³ | | | | | |
| State 24-Hour $>$ 50 $\mu\text{g}/\text{m}^3$ | 4 | 2 | 0 | 0 | 1 |
| Federal 24-Hour $>$ 150 $\mu\text{g}/\text{m}^3$ | 0 | 0 | 0 | 0 | 0 |
| Max. 24-Hour Conc. ($\mu\text{g}/\text{m}^3$) | 80 | 64 | 47 | 41 | 57 |
| Fine Particulates (PM_{2.5})³ | | | | | |
| Federal 24-Hour $>$ 65 ⁴ $\mu\text{g}/\text{m}^3$ | 0 | 0 | 4 | 1 | 0 |
| Max. 24-Hour Conc. ($\mu\text{g}/\text{m}^3$) | 58.5 | 50.6 | 49.4 | 35.3 | 46.9 |

Source: CARB. Ambient Air Quality Monitoring Data. Obtained January 2007.

ppm: parts per million; $\mu\text{g}/\text{m}^3$, or micrograms per cubic meter

¹ Data obtained from the Costa Mesa Monitoring Station.

² The NO_x standard was amended on February 22, 2007, to lower the 1-hr standard to 0.18 ppm.

³ Data obtained from the Mission Viejo Monitoring Station.

⁴ The USEPA revised the 24-hour PM_{2.5} standard from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$ in December 2006.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases.

Residential areas are considered to be sensitive receptors to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Schools are also considered sensitive receptors, as children are present for extended durations and engage in regular outdoor activities. Recreational land uses are considered moderately sensitive to air pollution. Although exposure periods are generally short, exercise places a high demand on respiratory functions, which can be impaired by air pollution. In addition, noticeable air pollution can detract from the enjoyment of recreation. Industrial and commercial areas are considered the least sensitive to air pollution. Exposure periods are relatively short and intermittent, as the majority of the workers tend to stay indoors most of the time. In addition, the working population is

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generally the healthiest segment of the public. Sensitive receptors within the vicinity of the project site include the residences and recreational facilities located adjacent to the project site.

Methodology

Projected air emissions are calculated using the SCAQMD's Urban Emissions (URBEMIS2007) emissions model⁶. The URBEMIS2007 compiles an emissions inventory of construction, stationary, and vehicle emissions sources. The URBEMIS2007 model uses EMFAC2007 emissions factors for vehicle traffic. The calculated emissions of the project are compared to thresholds of significance for individual projects using the SCAQMD's CEQA Air Quality Handbook.

Thresholds of Significance

CEQA allows for the significance criteria established by the applicable air quality management or air pollution control district to be used to assess impacts of a project on air quality. The SCAQMD has established thresholds of significance for regional air quality emissions for construction activities and project operation. In addition to the daily thresholds listed above, projects are also subject to the AAQS. These are addressed through an analysis of localized CO impacts and Localized Significance Thresholds (LSTs).

Regional Significance Thresholds

The SCAQMD has adopted regional construction and operational emissions thresholds to determine project-specific and cumulative impacts on air quality within the SoCAB, as shown in Table 3.



Table 3
SCAQMD Significance Thresholds

| <i>Air Pollutant</i> | <i>Construction Phase</i> | <i>Operational Phase</i> |
|---|---------------------------|--------------------------|
| Volatile Organic Gases (VOC) | 75 lbs/day | 55 lbs/day |
| Carbon Monoxide (CO) | 550 lbs/day | 550 lbs/day |
| Nitrogen Oxides (NO _x) | 100 lbs/day | 55 lbs/day |
| Sulfur Oxides (SO _x) | 150 lbs/day | 150 lbs/day |
| Coarse Inhalable Particulates (PM ₁₀) | 150 lbs/day | 150 lbs/day |
| Fine Inhalable Particulates (PM _{2.5}) | 55 lbs/day | 55 lbs/day |

CO Hotspot Analysis

The localized CO impacts are based on the California one-hour and eight-hour CO standards, which are:

- 1 hour = 20 parts per million
- 8 hour = 9 parts per million

The SCAQMD requires the assessment of CO "hotspots" at congested intersections for which project traffic would travel. Exceedance of the one- and eight-hour ambient air quality standards would constitute a significant air quality impact.

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Localized Significance Thresholds

The SCAQMD developed LSTs for emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at the project site (off-site mobile-source emissions are not included the LST analysis). LSTs represent the maximum emissions at a project site that are not expected to cause or contribute to an exceedance of the most stringent federal or state AAQS. LSTs are based on the ambient concentrations of that pollutant within the project SRA and the distance to the nearest sensitive receptor. LST analysis for construction is applicable for all projects of five acres and less; however, it can be used as screening criteria for larger projects to determine whether or not dispersion modeling may be required. The construction LSTs for a 1.49-acre project site within SRA 18 for sensitive receptors located within 25 meters (approximately 82 feet) are shown in Table 4. Projects larger than five acres can determine the localized significance for construction by performing dispersion modeling for emissions that exceed the California AAQS.

| Air Pollutant | Threshold (lbs/day) | |
|---|----------------------------|------------------|
| | Construction | Operation |
| Carbon Monoxide (CO) | 406 | 406 |
| Nitrogen Oxides (NO ₂) | 191 | 191 |
| Coarse Particulates (PM ₁₀) | 5 | 1 |
| Fine Particulates (PM _{2.5}) | 4 | 1 |

Source: SCAQMD, *Localized Significance Methodology*, July 2007, and Appendix A: Based on LSTs for a project site in SRA 5 for a 1.49-Acre Site at 25 meters (82 feet). PM_{2.5} Localized Significance Threshold Look-up Tables.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the Air Quality Management Plan (AQMP). It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals contained in the AQMP. Only new or amended general plan elements, specific plans, and major projects need to undergo a consistency review. This is because the AQMP strategy is based on projections from local general plans. Projects that are consistent with the local general plan are considered consistent with the AQMP.

The proposed project is consistent with residential land use designation for the project site. Implementation of the project would result in lower density residential land uses than currently existing on-site and emissions from construction and operation of the project would not exceed the SCAQMD thresholds. The operational phase of the project would also result in a net reduction of emissions as compared to the existing uses, due to a net reduction in the number of residential units. Furthermore, the project is not considered by the South Coast Association of Governments (SCAG) to be a regionally significant project that would warrant a consistency review for criteria emissions or new GHG emissions

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control strategies under AB 32. As the proposed project is both consistent with the City of Newport Beach General Plan and would not exceed the SCAQMD emissions thresholds, the project would be considered to be consistent with the AQMP and no significant impacts would occur.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The proposed project includes construction and operation of 24 new residential units on a 1.49-acre parcel in the City of Newport Beach. Air pollutant emissions associated with the project could occur over the short-term for site preparation and construction activities. In addition, emissions would result from the long-term operation of the completed project from facility-related energy consumption and automobile traffic traveling to and from the project site. The analysis below describes the project’s short-term and long-term air quality impacts.

Short-Term Air Quality Impacts

Construction activities would result in the generation of air pollutants. These emissions would primarily be (1) exhaust emissions from powered construction equipment, (2) dust generated from demolition, earthmoving, excavation, and other construction activities, and (3) motor vehicle emissions associated with vehicle trips.

Construction is estimated to begin in 2008 and is estimated to take approximately 18 months to complete. The proposed project would require demolition of 48,753 square feet of structures, which would take approximately 30 days to complete. Grading activities would also take approximately 30 days to complete. Construction of the residential buildings would be constructed in three development phases in order to stage construction activities. For the purposes of air quality modeling, it was assumed that all three phases would overlap. Approximately 0.67 acres, or 42 percent of the site, would be paved. These construction emissions were estimated using the SCAQMD’s URBEMIS2007 and are included in Table 5; the model run is included in Appendix B.



**Table 5
Maximum Daily Construction Emissions**

| Source | Pollutants (lbs/day) | | | | | | |
|-----------------------|----------------------|-----------------|-----|-----------------|------------------|-------------------|------------------------------|
| | CO | NO _x | VOC | SO ₂ | PM ₁₀ | PM _{2.5} | CO ₂ ³ |
| Demolition | 17 | 37 | 3 | <1 | 26 | 7 | 4,171 |
| Site Preparation | 15 | 28 | 3 | 0 | 2 | 1 | 2,372 |
| Building Construction | 18 | 24 | 13 | <1 | 2 | 2 | 2,725 |
| SCAQMD Threshold | 550 | 100 | 75 | 150 | 150 | 55 | NA |
| Exceeds Threshold | NO | NO | NO | NO | NO | NO | NA |

Source: URBEMIS2007 Version 9.2.2.

NA: Not Applicable

¹ Construction equipment mix based on the URBEMIS2007 computer model, which is based on SCAQMD Construction surveys of mid-sized construction sites.

² Fugitive dust emissions assumes application of Rule 403, which includes replacing ground cover as quickly as possible, watering exposed surfaces two times daily, equipment loading/unloading measures, and reducing vehicle speeds on unpaved roads to less than 15 miles per hour. See Appendix A for additional fugitive dust control measures detailed in SCAQMD Rule 403.

³ CO₂ emissions are provided for informational purposes only. The SCAQMD, OPR, or CARB have yet to establish regional emissions thresholds for this pollutant.

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As shown in Table 5, all emissions are less than their respective SCAQMD threshold values. SCAQMD, OPR, or CARB have yet to establish regional emissions thresholds for CO₂ emissions. However, because the project is not a regionally significant project and the project would not exceed the SCAQMD thresholds for criteria pollutants (CO, NO, PM₁₀, and PM_{2.5}), which were established to identify substantial new sources of air pollution, CO₂ emissions are likely not to be considered substantial enough to result in a significant cumulative impact relative to GHG emissions and climate change impacts. Therefore the project's cumulative contribution to GHG emissions is less than significant.

Long-Term Operation-Related Impacts

Long-term air pollutant emissions generated by the project would be associated with project-related vehicle trips and stationary-source emissions generated on-site by sources, such as water heaters, gas stoves, and fuel consumed for landscaping activities. Long-term air quality impacts are typically associated with the emissions produced by project-generated vehicle trips. However, the proposed project would reduce the existing residential density from 54 residential units to 24 residential units. Based on the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th Edition (see Section 3.15, *Transportation/Traffic*), the 12-single-family and 12-condominium units would generate 185 average daily vehicle trips (ADT), while the existing 54-unit apartment complex generates 363 ADT, resulting in a net decrease of 178 ADT. Furthermore, newer construction is typically more energy efficient than older construction, as a result of more stringent efficiency requirements adopted in the California Building Code. Consequently, the proposed project would result in a net decrease in operational emissions. Therefore the project's cumulative contribution to GHG emissions would also be less than significant.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

Less Than Significant Impact. In accordance with SCAQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values does not add significantly to a cumulative impact. The SoCAB is designated as a nonattainment area for ozone and particulates (PM₁₀ and PM_{2.5}) under the state and federal AAQS standards. Emissions that contribute to the exceedance of these pollutants would cumulatively contribute to the region's nonattainment. Air pollutant modeling for construction emissions demonstrate that project implementation would not exceed the SCAQMD's construction phase pollutant thresholds. Furthermore, because the proposed project would result in a decrease in vehicle trips, the project would reduce air pollutant emissions associated with the project site. Therefore, the project is not considered by the SCAQMD to significantly contribute to the region's cumulative emissions. Impacts from short-term construction and long-term operation would be less than significant.

- d) Expose sensitive receptors to substantial pollutant concentrations?**

Less Than Significant Impact With Mitigation Incorporated. The project could expose sensitive receptors to elevated pollutant concentrations if it would: (1) cause or contribute significantly to elevated pollutant concentration levels or (2) place the project in an area with elevated pollutant concentrations. Unlike the mass (weight) of operational emissions shown in Tables 4 and 5 (pounds per day), localized concentrations refer to the amount of pollutants in a volume of air ($\mu\text{g}/\text{m}^3$) and can be correlated to potential health effects. Because the project would result in a net decrease in operational emissions on-site, operational LSTs and CO hotspot analyses are not applicable for the project because the project

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would result in a net decrease in air pollutant concentrations in the project vicinity as a result of fewer vehicle trips and less residential units.

Construction LSTs

Emissions generated from construction activities are anticipated to cause temporary increases in pollutant concentrations. The frequency and concentration of such violations would depend on several factors, including soil composition, the amount of soil disturbed, wind speed, the numbers and types of machinery used, the construction schedule, and the proximity of other construction and demolition projects. LSTs are the maximum amount (in pounds per day) of air pollutants that a project can generate without exceeding the AAQS at the nearest sensitive receptor. LSTs are based on the ambient air quality in the SRA, which for the project is SRA 18. Because concentrations of air pollutants diminish with distance from the source, LSTs are also based on the distance to the nearest receptor, which for the project is within 25 meters (approximately 82 feet).

LSTs are based on the AAQS, which are the most stringent. They are designed to protect those sensitive receptors most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Table 6 shows maximum daily onsite construction emissions generated by the project compared to the air pollutant threshold (LST).

Table 6
Maximum Daily Construction Emissions Compared with the LSTs

| Source ¹ | Pollutants (lbs/day) | | | |
|---------------------------------|----------------------|-----------------|------------------|-------------------|
| | CO | NO _x | PM ₁₀ | PM _{2.5} |
| Demolition | 5 | 9 | 25 | 6 |
| Site Preparation ² | 14 | 28 | 2 | 1 |
| Building Construction | 12 | 22 | 2 | 2 |
| SCAQMD LST Threshold for SRA 18 | 400 | 189 | 5 | 4 |
| Exceeds Threshold | No | No | Yes | Yes |

Source: URBEMIS2007 Version 9.2.2.

¹ Construction equipment mix based on the URBEMIS2007 computer model, which is based on SCAQMD construction surveys of mid-sized construction sites. In accordance with SCAQMD methodology, only on-site emissions are included in the analysis.

² Fugitive dust emissions assumes application of Rule 403, which includes replacing ground cover as quickly as possible, watering exposed surfaces two times daily, equipment loading/unloading measures, and reducing vehicle speeds on unpaved roads to less than 15 miles per hour. See Appendix A for additional fugitive dust control measures detailed in SCAQMD Rule 403.



As shown in this table, project emissions would not exceed LSTs for CO and NO₂. However, PM₁₀ and PM_{2.5} emissions would exceed the LSTs during grading activities. As shown in Table 7, with mitigation, project's construction emissions would not exceed the LSTs, and therefore air pollutant concentrations from project-related construction activities would not exceed the California or federal AAQS. No significant air quality impact would occur from exposure of persons to substantial air pollutant concentrations with the implementation of the following mitigation measures.

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Table 7
Maximum Daily Construction Emissions Compared with the LSTs – With Mitigation

| Source ¹ | Pollutants (lbs/day) | | | |
|---------------------------------|----------------------|-----------------|------------------|-------------------|
| | CO | NO _x | PM ₁₀ | PM _{2.5} |
| Demolition ² | 5 | 9 | 4 | 1 |
| Site Preparation ³ | 14 | 28 | 2 | 1 |
| Building Construction | 12 | 22 | 2 | 2 |
| SCAQMD LST Threshold for SRA 18 | 400 | 189 | 5 | 4 |
| Exceeds Threshold | No | No | No | No |

Source: URBEMIS2007 Version 9.2.2.

¹ Construction equipment mix based on the URBEMIS2007 computer model, which is based on SCAQMD construction surveys of mid-sized construction sites.

² Fugitive dust emissions reductions from demolition based on the particulate matter control efficiencies of Fugitive Dust Mitigation Measure of 84 percent described below, as quantified by the SCAQMD in Table XI-A, *Mitigation Measure Examples: Fugitive Dust From Construction and Demolition*.

³ Fugitive dust emissions assumes application of Rule 403, which includes replacing ground cover as quickly as possible, watering exposed surfaces two times daily, equipment loading/unloading measures, and reducing vehicle speeds on unpaved roads to less than 15 miles per hour. See Appendix A for additional fugitive dust control measures detailed in SCAQMD Rule 403.

Mitigation Measure

1. The construction contractor for the property owner/developer shall implement additional dust control measures during demolition as follows:
 - The project contractor shall apply nontoxic chemical dust suppressants (e.g., polymer emulsion) to buildings being demolished to reduce fugitive dust from active demolition activities.
 - The project contractor shall prohibit demolition activities when wind speed exceeds 25 miles per hour.
 - The project contractor shall install a temporary construction fence and silt barrier around the construction site as shown in the Construction Staging and Water Quality Control Plan submitted to the City of Newport Beach for approval.
 - The project contractor shall install construction tire wash areas at the entrance to the project site on River Avenue and Neptune Avenue. All construction clean-up shall be done in construction sediment basins. The construction tire wash area shall be installed in accordance with the Construction Staging and Water Quality Control Plan submitted to the City of Newport Beach for approval.
 - The contractor will sweep adjacent streets and roads a minimum of once per week.
 - Material haul trucks leaving the project site will have their loads either covered or maintain a freeboard distance of two feet from the stacked load to the top of the trailer.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment bringing asphalt and other building materials to the site. With regards to nuisance odors, any air quality impacts would be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the project site, they are typically diluted to well below any level of air quality concern. An

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occasional "whiff" of diesel exhaust from passing equipment and trucks accessing the site from public roadways may result. Such brief exhaust odors are an adverse, but not significant, air quality impact.

The operational phase of the project would replace the existing 54 apartment units with 12 single family and 12 duplex units. The existing residential complex is not a substantial source of odor generation. The proposed residential units would not generate substantial odors as well. Nuisance odors are regulated under SCAQMD Rule 402, which prohibits quantities of air contaminants or other materials to be emitted within the SoCAB that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any such persons or the public, or that cause or have a natural tendency to cause injury or damage to business or property. No significant sources of odors would occur on-site. Therefore, impacts from objectionable odors are less than significant and no additional mitigation measures are necessary.

3.4 BIOLOGICAL RESOURCES

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. The project site is currently occupied by an apartment complex and approximately 86 percent of the entire is impervious. A site survey was conducted by Phil Brylski, Senior Biologist with the Planning Center, which determined that there are no special status species or biological habitat located on the project site. Therefore, the proposed development would not have any effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. No mitigation measures are necessary.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. The project site is currently occupied by an apartment complex and approximately 86 percent of the site is impervious. There is no riparian habitat or other sensitive natural community located on the project site. A site survey was conducted by Phil Brylski, Senior Biologist with the Planning Center, which determined that there are no sensitive natural communities located on the project site. Therefore, the proposed development would not have any effect on any sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. No mitigation measures are necessary.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact. The project site is developed with a 54-unit apartment complex and does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Redevelopment of the project site would not directly remove, fill, or hydrologically interrupt any wetlands. No impact would result from the proposed project and no mitigation measures are necessary.



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- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

No Impact. The project site is developed with a 54-unit apartment complex and is not being used for migratory wildlife corridors or native wildlife nursery sites. The project site does not contain any special status biological resources and redevelopment of this site would not interfere with the movement of any native resident or migratory fish or wildlife species. No impact would result from the proposed project and no mitigation measures are necessary.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

No Impact. The project site is developed with a 54-unit apartment complex and only contains ornamental landscaping trees and plants. There are two small ornamental pine trees at the northwest corner of the project site. The City Council Policy G-3 (Retention or Removal of City Trees) was adopted with the intent to preserve views and to preserve and promote the aesthetic and environmental benefits provided by trees and it applies only to City trees, i.e., those located on public property and within public parkways. Removal of these trees and plants would not conflict with any local policies or ordinances. No impact would result from the proposed project and no mitigation measures are necessary.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No Impact. The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the implementation of the proposed project would not conflict with any habitat conservation plans. No mitigation measures are necessary.

3.5 CULTURAL RESOURCES

- a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?**

Less Than Significant Impact. Section 10564.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered to be “historically significant,” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

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The project site is developed with a 54-unit apartment complex, which was constructed in 1972. The building is modern in style and, given the building age of 35 years, no historical significance is warranted. Implementation of the proposed project would not cause a substantial adverse change in the significant of a historical resource and no mitigation measures are necessary.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less Than Significant Impact With Mitigation Incorporated. A limited archaeological records search was conducted by McKenna et al. and found no archaeological evidence on or near the project site. The nearest recorded archaeological sites are located approximately one quarter mile north of Pacific Coast Highway and none would be impacted by the proposed project.

A review of historic maps (USGS Santa Ana Quadrangles of 1896 and 1901, rev. 1945) illustrated the presence of the Southern Pacific Smeltzwe Branch Railroad alignment passing relatively close to the project area, but this was long gone by the time the 1965 USGS Newport Beach Quadrangle was prepared. Evidence of the historic railroad alignment may be identified within or near the current project area, including the project site, even though the project site has been previously disturbed. The lack of surface evidence does not preclude the discovery of subsurface evidence. However, the following mitigation measure would ensure that impacts related to archaeological resources remain less than significant.

Mitigation Measure

2. Prior to approval of a grading plan, the property owner/developer shall submit a letter to the Planning Department, Planning Division, showing that a qualified archaeologist has been hired to ensure that the following actions are implemented:
 - The archaeologist must be present at the pregrading conference in order to establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of artifacts if potentially significant artifacts are uncovered. If artifacts are uncovered and determined to be significant, the archaeological observer shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.
 - Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution.
 - Any archaeological work at the site shall be conducted under the direction of the certified archaeologist. If any artifacts are discovered during grading operations when the archaeological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.
 - A final report detailing the findings and disposition of the specimens shall be submitted to the City Engineer. Upon completion of the grading, the archaeologist shall notify the City as to when the final report will be submitted.



c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact With Mitigation Incorporated. The project site has been previously disturbed and is underlain by fill material and Quaternary-age alluvial. No unique geologic feature exists on-site and the likelihood of presence of a unique paleontological resource is minimal. However, the

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project site has not been previously surveyed for cultural resources and the potential for subsurface evidence remains. Implementation of the following mitigation measure would ensure that potential impacts are reduced to a less than significant level.

Mitigation Measure

3. The property owner/developer shall submit a letter to the Public Works/Engineering Department, Development Division, and the Planning Department, Planning Division, showing that a certified paleontologist has been hired to ensure that the following actions are implemented:
 - The paleontologist must be present at the pregrading conference in order to establish procedures to temporarily halt or redirect work to permit the sampling, identification, and evaluation of fossils. If potentially significant materials are discovered, the paleontologist shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.
 - Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution.
 - Any paleontological work at the site shall be conducted under the direction of the certified paleontologist. If any fossils are discovered during grading operations when the paleontological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.
 - A final report detailing the findings and disposition of the specimens shall be submitted. Upon the completion of the grading, the paleontologist shall notify the City as to when the final report will be submitted

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. The project site is currently developed with an apartment complex and is surrounded by urban uses. No human remains are known to exist on the project site, and the site is not identified as a formal cemetery. The project site and its surrounding area are highly disturbed and the possibility of discovering human remains is unlikely. However, the lack of past evidence of a Native American burial ground or human remains at the project site does not guarantee the absence of subsurface remains. Therefore, if there is an unexpected discovery of human remains, then the District shall follow guidelines addressed in the Health and Safety Code section 7050.5, which states:

In the event of discovery and recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains...

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If the coroner determines that the remains are not subject to his or her authority and if the coroner recognized the human remains to be those of a Native American, or had reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

In accordance with state law, no further work in the area of concern (to be determined by the County Coroner and a qualified archaeologist) will be permitted until the remains are removed from the site. Once the remains are removed, construction activities may resume. If the remains are non-Native American and of no forensic significance, the City will make the proper arrangements with a qualified archaeologist to remove the remains and have them reburied in accordance with current Health and Safety guidelines. If the remains are recent, the Coroner will handle all necessary removal and reburial activities. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

3.6 GEOLOGY AND SOILS

The below analysis is based on result of the Geotechnical Investigation report dated June 13, 2007, prepared by EGA Consultants, included as Appendix B.

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less Than Significant Impact. The project site is not underlain by a known earthquake fault and is not delineated on the most recent Alquist-Priolo Earthquake Zoning map. No major faults are known to exist within the immediate vicinity of the project site. The Newport-Inglewood fault system is located approximately 1.2 miles from the project site. No mitigation measures are necessary.

ii) **Strong seismic ground shaking?**

Less Than Significant Impact. One of the predominant effects of an earthquake is ground shaking. Similar to the rest of southern California, the project site is subject to ground shaking and potential damage in the event of seismic activity. The most likely source of strong seismic ground shaking within the region would be a major earthquake along either the Newport-Inglewood or San Andreas Fault. Both faults are classified as active, with a seismic capability over magnitude 7.0. The expected ground motion characteristics of future earthquakes in the region will depend on the distance to the epicenter and magnitude of the earthquake, as well as the soil profile of the site.

The proposed project would be built to meet the seismic design parameters contained in the most current version of the Uniform Building Code (UBC) for Seismic Zone 4, as well as the standards of the Structural Engineers Association of California (SEAOC). Therefore, seismic impacts associated with the proposed project would be less than significant. No mitigation measures are necessary.

iii) **Seismic-related ground failure, including liquefaction?**

Less Than Significant Impact With Mitigation Incorporated. Liquefaction of soils can be caused by strong vibration such as an earthquake. Loose, granular, sandy soils are susceptible to



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liquefaction, while the more stable rock, gravel, clay, and silt are not significantly affected by vibration. Liquefaction is generally known to occur only in saturated or near-saturated granular soils. The project site is underlain by fill and terrace deposits, which are characterized by clean beach sands and silty sands, therefore, the project site has a significant liquefaction potential if subjected to heavy vibration. However, provided that the project is constructed in accordance with the criteria and seismic design parameters of the UBC, standards of the SEAOC, and recommended measures in the site-specific geotechnical investigation (EGA Consultants 2007) impacts would be reduced to a less than significant level.

Mitigation Measure

4. During construction, the construction manager shall ensure that measures listed in the geotechnical investigation (EGA Consultants, 2007) or equivalent measures are implemented to minimize the effects of liquefaction. The measures shall include but are not limited to:
 - Tie all pad footings with grade beams.
 - All footings should be a minimum of 24 inches deep, below grade.
 - Continuous footings should be reinforced with two No. 5 rebar (two at the top and two at the bottom).
 - Concrete slabs cast against properly compacted fill materials shall be a minimum of 6 inches thick (actual) and reinforced with No. 4 rebar at 12 inches on center in both directions. The reinforcement shall be supported on chairs to insure positioning of the reinforcement at mid-center in the slab.
 - Dowel all footings to slabs with No. 4 bars at 24 inches on center.

iv) Landslides?

Less Than Significant Impact. The project site is relatively flat and there are no hills in the vicinity of the project site that would pose a threat of landsliding. No significant impacts would occur and no mitigation measures are necessary.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Erosion is a normal and inevitable geologic process whereby earthen materials are loosened, worn away, decomposed, or dissolved, and removed from one place and transported to another. Precipitation, running water, waves, and wind are all agents of erosion. Ordinarily, erosion proceeds so slowly as to be imperceptible, but when the natural equilibrium of the environment is changed, the rate of erosion can be greatly accelerated. This can create aesthetic and engineering problems. Accelerated erosion within an urban area can cause damage by undermining structures, blocking storm sewers, and depositing silt, sand, or mud in roads and tunnels. Eroded materials are eventually deposited into our coastal waters, where the carried silt remains suspended in the water for some time, constituting a pollutant and altering the normal balance of plant and animal life.

Due to the relatively flat topography and the developed nature of the site, erosion impacts would be minimal. In addition, the project site is relatively small in size (approximately 1.49 acres) and would be subject to local and state codes and requirements for erosion control and grading. The project would also be subject to National Pollutant Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP),

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which is further discussed in Section 3.8 of this report. With the adherence to these codes and regulations, no impacts would occur. No mitigation measures are necessary.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Less Than Significant Impact. Unstable soil is earth material that, because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support. The project site is underlain by fill and native materials. The fill soils consist generally of dark brown and gray, dry, loose to medium dense sand with very low expansion potential. Underlying the fill materials are Quaternary-age alluvial and marine terrace deposits, consisting generally of light gray, moist, medium dense, non-cemented, fine- to medium-grained; beach sand with occasional shell fragments. Therefore, no sign of unstable soils has been identified during the geotechnical investigation. Furthermore, project compliance with the measures outlined in the project's preliminary geotechnical investigation (e.g., removal and replacement of near surface soils with engineered fill), the criteria and seismic design parameters of the UBC, California Building Code (CBC), and the SEAOC, and submittal of a detailed geotechnical investigation report would reduce potential unstable soil impacts to a less than significant level. No mitigation measures are necessary.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Less Than Significant Impact. Expansive soil, with respect to engineering properties, refers to those soils that, upon wetting and drying, will alternately expand and contract, causing problems for foundations of buildings and other structures. No evidence of expansive soils was identified during the geotechnical investigation. In addition, the design of the proposed project would be in conformance with the UBC and the impacts relating to expansive soils would be less than significant. No mitigation measures are necessary.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

No Impact. The proposed project involves the construction of a 24 single and duplex units in Newport Beach. The project would be connected to the City's sewer system and would not need a septic tank or alternative wastewater disposal system. No significant impacts would occur and no mitigation measures are necessary.

3.7 HAZARDS AND HAZARDOUS MATERIALS

- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Less Than Significant Impact With Mitigation Incorporated.

Operation

The proposed project involves development of 24 residential units and would not use, store, handle, or dispose of hazardous materials other than typical household cleaning solvents and landscaping products.



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Construction

The EPA only requires asbestos removal in order to prevent significant public exposure to airborne fibers during demolition or renovation activities. At other times, the EPA believes that asbestos removal projects, unless well-designed and properly performed, can actually increase health risk. Project construction would include the demolition of the structures currently on the site. According to the Report for Asbestos Containing Materials (ACM) (EMG 2007), a total of 44 samples were submitted to the laboratory for analysis and 17 samples were found to contain asbestos mineral type.

Specified work practice requirements limiting asbestos emissions from building demolition and renovation activities are set forth in SCAQMD Rule 1403 (Asbestos Emission From Demolition/Renovation Activities). This rule, in whole or in part, is applicable to owners and operators of any demolition or renovation activity, and the associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, storage, and disposal requirements for asbestos-containing waste materials.

The existing structures on-site are also required to be surveyed for lead-based paint (LBP) prior to demolition or renovation, in compliance with the applicable local, state, and federal regulations administered through the California Division of Occupational Safety and Health. Compliance with the existing regulations and the following mitigation measure would reduce potential safety hazards pertaining to ACMs and LBPs to less than significant levels.

Mitigation Measure

5. Prior to demolition activity, a certified and licensed asbestos abatement contractor shall perform any removal of asbestos containing material (ACM). Also, an industrial hygienist must be present to perform engineering control and regulatory asbestos air monitoring during any abatement activity.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less Than Significant Impact. As indicated above, there is a potential for asbestos to be released during the demolition stage of project construction. However, compliance with the existing regulations would reduce potential impacts to a level of less than significant.

To reduce impacts from potential spills of hazardous materials during construction, the project would be required to comply with the requirements set forth under the Statewide General Permit for Construction Activities, pursuant to Section 402 of the federal Clean Water Act. Per the requirements, best management practices (BMPs) would be employed to control hazardous materials use and spills, as detailed within a SWPPP prepared for the proposed project. The proposed residential use would not create significant hazards through accidental release of hazardous materials. No significant impacts would occur and no mitigation measures are necessary.

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- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Less Than Significant Impact. There are no schools within one-quarter mile of the proposed project site. The nearest school is Whittier Elementary School, located at 1800 Whittier Avenue, Costa Mesa, California, approximately one mile north from the project site. No impacts would occur and no mitigation is required.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less Than Significant Impact. The project site is currently developed as a multifamily apartment complex. The project site is not identified in the Department of Toxic Substances Control's (DTSC) hazardous wastes and substances list, which includes the Federal Superfund Sites (National Priority List), State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Permitted Sites, and Corrective Action Sites. Implementation of the proposed single and duplex residential units would not create a significant hazard to the public or the environment. No mitigation measures are necessary.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. The nearest airport to the project site is John Wayne Airport, approximately five miles north of the project site. The project site is not located within an airport land use plan and the proposed project would not result in a safety hazard for people residing or working in the project area. No mitigation measures are necessary.



- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Less Than Significant Impact. The project site is not located within the vicinity of a private airstrip. Hoag Memorial Hospital owns and operates a rooftop heliport, approximately 0.8 nautical miles to the east, and the nearest airport, John Wayne Airport, is approximately five miles north of the project site. Project implementation would not result in any airport-related safety hazards for anyone residing or working in the project area. No mitigation measures are necessary.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less Than Significant Impact. Access to the site would be taken via three driveways: two along River Avenue and one on Neptune Avenue. The driveways and internal streets have been designed according to fire department standards for emergency access. In addition, the fire department would review project site plans for access and safety issues and building permits would not be issued until the project met fire department standards for access. No significant impacts would occur and no mitigation measures are necessary.

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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is located in a developed area and is not immediately adjacent to any wildland areas. The project site is not located within the Special Fire Protection Areas (SFPAs). Areas in SFPAs require fuel modification and a 100-foot setback between the structure and the wildland areas. Because the site is not located in an SFPA, the project site would not constitute a wildland fire risk to the project site. No impacts from wildland fires would occur and no mitigation measures are necessary.

3.8 HYDROLOGY AND WATER QUALITY

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. Construction of the proposed project would potentially discharge sediment and pollutants to the nearest receiving waters and result in a potential significant impact to water quality.

Grading and excavation of the site would expose and disturb soils. The storage and use of hazardous materials on-site, including treated wood, paints, solvents, fuels, etc., would be potential sources of pollutants during construction.

The proposed project would generate the following potential runoff pollutants:

- fertilizers and pesticides
- household hazardous waste (e.g., paints, cleaning agents, etc.)
- pet waste
- outside building and cleaning
- landscape maintenance debris
- vehicle washing and repair

The project site is located within the Newport Bay Watershed and the receiving water is Lower Newport Bay, which is identified by the Santa Ana Regional Water Quality Control Board as impaired due to metals and pesticides. In addition, EPA Region IX has established Total Maximum Daily Loads for fecal coliform, nutrients, and sedimentation/siltation for Lower Newport Bay.

Pursuant to Section 402 of the Clean Water Act, the EPA has established regulations under the NPDES program to control direct stormwater discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. For Orange County, the Santa Ana Regional Water Quality Control Board would be responsible for implementation of the NPDES requirements. The NPDES program regulates industrial pollutant discharges, including, those from construction activities on sites larger than one acre. The proposed project would be subject to the NPDES program because the project would involve a site greater than one acre.

The proposed project would then be required to develop and implement a SWPPP and be subject to BMPs designated to prevent erosion and siltation during the project's construction phases.

In accordance with the requirements of the NPDES MS4 Permit, a Water Quality Management Plan (WQMP) has been prepared. The WQMP contains specific source- and treatment-control BMPs that

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would reduce or eliminate the infiltration of pollutants into the stormwater system. The complete WQMP can be found in Appendix D of this Initial Study.

The proposed project would involve asphalt paving at driveways with areas of groutless paver systems to allow filtering of first flush of the driveways. Patios and walks would be constructed with concrete that flows to an underground drainage system equipped with an inline perforated drain trench allowing the pollutants to filter through the gravel bed back into the soil. Additionally, landscaped areas would consist of small on-grade planters and two larger areas adjacent to the guest parking, all designed to catch flows in order to absorb the pollutants of the first flush. The proposed project has been designed so that all overflow would be drained through the underground system with the attached inline filters.

The following lists outline source-control BMPs (routine nonstructural and routine structural) included in the proposed project. The project BMPs are designed to have any future pollutants be filtered directly into the ground, which would allow the BMPs to work naturally and avoid the need for regular maintenance to BMPs.

Routine Nonstructural BMPs

- education for property owners, tenants, and occupants.
- activity restrictions
- BMP maintenance
- Title 22 California Code of Regulations Compliance
- Uniform Fire Code implementation
- common area catch basin inspection
- sweeping of private streets and parking lots.



Routine Structural BMPs

- Use efficient irrigation systems and landscape design, water conservation, smart controllers, and source control.
- Protect slopes and channels and provide energy dissipation.

The following lists site-design BMPs that are included in the proposed project. The combination of paver systems, erosion resistant plants that absorb water better, gravel side yards, and gravel trench drains would filter pollutants naturally and would require only general property maintenance.

Site-Design BMPs

- Minimize impervious area/maximize permeability.
- Minimize directly connected impervious areas.
- Create reduced or “Zero Discharge” areas.
- Conserve natural areas.
- Porous pavement detention
- Porous landscape detention
- Infiltration trench

Compliance with the NPDES permitting procedures would ensure the project does not violate any water quality standards or waste discharge requirements. Therefore, no significant impacts are anticipated and no mitigation measures are necessary.

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- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Less Than Significant Impact. The existing apartment complex has impervious site coverage of approximately 86 percent by building and parking areas with no water quality control measures. The proposed project would result in impervious site coverage of approximately 68 percent. The proposed project would increase the pervious surface area and any groundwater recharge occurring in the project area would be unhindered by the implementation of the project. No significant impacts would occur and no mitigation measures are necessary.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.**

Less Than Significant Impact. The project site encompasses approximately 1.49 acres and approximately 86 percent of the project site is impervious, covered by building and parking. The current use has no water quality measures, and the proposed project has been designed to allow drainage to be filtered directly into the ground. The on-site paved areas would be constructed with a combination of 1) asphalt paving at driveways with groutless paver systems to allow filtering of first flush of the driveways and 2) patios and walks with concrete that flows to an underground drainage system equipped with an inline perforated drain trench, allowing the pollutants to filter through the gravel bed back into the soil. The landscaped areas consist of small on-grade planters along with two larger areas adjacent to the guest parking, all designed to allow flow through them in order to absorb the pollutants of the first flush. As such, all overflow would be drained through the underground system with the attached inline filters and all private patios would also drain through the underground system. The altered drainage pattern of the site is projected to benefit the receiving water body. The proposed project would not involve alteration of the course of a stream or river in a manner that would result in a substantial erosion or siltation on- or off-site. No significant impacts would occur and no mitigation measures are necessary.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Less Than Significant Impact. The project site encompasses approximately 1.49 acres and approximately 86 percent of the project site is impervious, covered by building and parking. The proposed project would provide approximately 68 percent (44,121 square feet) of impervious surfaces and approximately 32 percent (20,987 square feet) of landscaping. The existing drainage pattern of the site would be altered but with the decreased impervious surface areas, the rate or amount of surface runoff would be less than the existing condition. Additionally, as discussed in Section 3.8c, the proposed project has been designed to allow drainage to be filtered directly into the ground. The project site is already developed and the proposed project would not involve alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner that would result in flooding. No significant impacts would occur and no mitigation measures are necessary.

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e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. The project site encompasses approximately 1.49 acres and approximately 86 percent of the project site is covered by building and parking. Implementation of the proposed project would minimize the on-site impervious area to 68 percent and allow for groutless paver system and a landscape detention system, thereby reducing the volume of urban runoff. Anticipated urban runoff pollutants include fertilizers and pesticides, household hazardous waste such as paints, cleaning agents, etc., pet waste; outside building and cleaning, landscaping maintenance debris, and vehicle washing and repairing. Currently there are no water quality management measures on-site. As discussed in Section 3.8c, the proposed project would provide filtering of first flush runoff waters from driveways and landscape areas and allow pollutants from walkways and patios to filter through the gravel bed back with an in-line perforated drain trench. Small on-grade planter along with two larger area adjacent to the guest parking would allow flow through them so that they would absorb the pollutants of the first flush. In addition, all overflows would be drained through the underground system with the attached inline filters and all private patios would drain through the underground system.

Potential polluted runoffs during construction would be controlled in accordance with the Construction Staging and Water Quality Control Plan. Therefore, it is anticipated that the proposed construction will start only when temporary driveway, fence, and control measures have been installed. The Plan requires construction of 24 inch deep and 16 feet wide temporary gravel pit sediment basin, entrance/outlet tire wash, sandbag barriers, and silt fence. The off-site storm drain inlet would also be protected with gravel bags. Development of the proposed project would not create or contribute more runoff water than the existing condition. No significant impacts would occur and no mitigation measures are necessary.

f) Otherwise substantially degrade water quality?

Less Than Significant Impact. The project site encompasses approximately 1.49 acres and approximately 86 percent of the project site is covered by building and parking. Implementation of the proposed project would minimize the on-site impervious area to 68 percent and allow for porous pavement and a landscape detention system, thereby reducing the volume of polluted runoff. Implementation of the proposed project would result in beneficial impact to area water quality. No mitigation measures are necessary.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Less Than Significant Impact. The project site is not located within a 100-year flood zone as indicated on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) (No. 06059C0377H) covering the project area. The project site is located in Zone X, indicating that the area is outside of the 1 percent annual chance floodplain, or that the area has a 1 percent annual chance of sheet flow flooding to a depth of less than 1 foot (FEMA 2004). No significant impacts related to flooding would occur and no mitigation measures are necessary.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Less Than Significant Impact. As mentioned above, the project site is not located within a 100-year flood zone, as indicated on the FIRM, and would not place any structures within a 100-year flood hazard area. No significant impacts would occur related to flooding and no mitigation measures are necessary.



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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. According to the City of Newport Beach Emergency Management Plan (July 15, 2004), the City of Newport Beach is subject to flooding hazards from Prado Dam and the Big Canyon Reservoir. In the event of failure of these structures, floodwaters from Prado Dam could inundate large portions of the City of Newport Beach, including the project site. However, the City of Newport Beach updated its Emergency Management Plan in 2004, which identified emergency evacuation procedures in the event of dam failure. No mitigation measures are necessary.

j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact.

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water.

Although there are no large water tanks in the area that could impact the project site, Prado Dam could inundate large portions of the City of Newport Beach. However, impacts from the Prado Dam would be less than significant as the City of Newport Beach updated its Emergency Management Plan in 2004, which identified emergency evacuation procedures in the event of dam failure. Additionally, dam failure inundation zones in the City are similar to the 100-year flood zones and the project site is located outside of the 100-year flood zone.

Mudflows are landslide events in which a mass of saturated soil flows downhill as a very thick liquid. The project site is flat and is not located along steep slopes or hillsides. The project would be required to submit grading plans to the City of Newport Beach for review and approval. The potential for mudflow and landslide events is considered low. Implementation of the project would not expose people or structures to inundation by seiche or mudflows.

The tsunami threat to the City of Newport Beach is considered low to moderate. The City of Newport Beach Emergency Management Plan indicates that local earthquakes would not generate a tsunami in this area, and no known tsunami has ever hit the Orange County coast. Newport Beach has southwestern facing beaches and is vulnerable to tsunamis, or more likely tidal surges, from the south and west. Predicted wave heights for a 100-year occurrence are:

- 4 feet minimum
- 6.6 feet average
- 9.2 feet maximum

Predicted wave heights for a 500-year occurrence are:

- 6.8 feet minimum
- 11.4 feet average
- 16.0 feet maximum

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A tsunami warning system is currently in effect as a function of the National Oceanic and Atmospheric Administration's National Weather Service. The Emergency Management Plan identifies suggested evacuation routes and evacuation sites in the case of a tsunami incident. No significant impacts would occur and no mitigation measures are necessary.

3.9 LAND USE AND PLANNING

a) Physically divide an established community?

Less Than Significant Impact. The approximately 1.49-acre site is currently developed with a 54-unit apartment complex (Las Brisas Apartments). The project site would be developed as a 24-unit residential community and would not physically divide an established community. No significant impacts would occur and no mitigation measures are necessary.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. Locally-adopted land use plans, policies, or regulations that would be applicable to the proposed project include the City of Newport Beach General Plan and the City's Local Coastal Land Use Plan. The project site is located outside of the Airport Environs Land Use Plan for John Wayne Airport. The General Plan designation for the project site is RM (Multiple Unit Residential) and the project site is zoned Multiple-Family Residential (MFR). The MFR designation provides areas for single-family, two-family, and multiple-family residential land uses. Development of 24 single- and duplex units is consistent with the MFR designation. According to the Coastal Land Use Plan, the project site is designated as RH-A, High Density Residential with 20.1 to 30.1 du/ac. Implementation of the proposed project would result in a density of 16.1 units per acre and would be consistent with the permitted use and density.

The project site is located within the City's Shoreline Height Limitation Zone, which limits residential development height to 24 to 28 feet and nonresidential development to a height of 26 to 35 feet. The ridges of pitched roofs are permitted to exceed the height limit by 5 feet, provided that the midpoints of the roof planes are at 28 feet. The proposed single-family units along Seashore Drive would conform to the height limitation, with a maximum ridgeline height of 31 feet and 4 inches and midpoint height of 26 feet and 8 inches. However, duplex units along River Avenue would exceed the midpoint height limitation, with a maximum midpoint height of 29 feet and 6 inches. However, the intent of the height limitation zone was to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach (Policy 4.4.2-2 of the Coastal Land Use Plan). The existing apartment structure has a height of 28 feet (three stories) with no breaks in building massing, and beachfront residential units across Seashore Drive are also three stories high with narrow setbacks in-between buildings. Therefore, views of the ocean are already compromised and the proposed project would not substantially deviate from the existing character and visual scale of Newport Beach. As discussed in Section 3.1a, the proposed project would not obstruct or restrict scenic vistas or public view opportunities. Therefore, the proposed project would also be consistent with Coastal Land Use Plan Policy 4.4.2-3 that states: "Implement the regulation of the building envelope to reserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities." The proposed project would not conflict with any applicable land use plan, policy, or regulations. No land use impact would result from the proposed project and no mitigation measures are necessary.



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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The project site is not a part of any habitat conservation plan or natural community conservation plan. No impact would result from the proposed project and no mitigation measures are necessary.

3.10 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

No Impact. The project site is developed with an apartment complex and no known mineral resources have been identified on the project site that would be of value to the region or to the residents of the state. No impacts would occur and no mitigation measures are necessary.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The project site is not designated as a mineral recovery resource site, as indicated by the Department of Conservation Mineral Resource Maps, and does not contain any mineral resource recovery areas. No impacts would occur as a result of the proposed project. No mitigation measures are necessary.

3.11 NOISE

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological effects, and annoyance. Based on these known adverse effects of noise, the federal government, the State of California, and many local governments have established criteria to protect public health and safety and to prevent disruption of certain human activities.

Characteristics of Sound

Sound is a pressure wave transmitted through the air. When an object vibrates, it radiates part of its energy as acoustical pressure in the form of a sound wave. Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). The standard unit of measurement of the loudness of sound is the decibel (dB). The human hearing system is not equally sensitive to sound at all frequencies. Sound waves below 16 Hz are not heard at all and are "felt" more as a vibration. Similarly, while people with extremely sensitive hearing can hear sounds as high as 20,000 Hz, most people cannot hear above 15,000 Hz. In all cases, hearing acuity falls off rapidly above about 10,000 Hz and below about 200 Hz. Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale is usually used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Because of the physical characteristics of noise transmission and noise perception, the relative loudness of sound does not closely match the actual amounts of sound energy. Table 8, *Change in Sound Pressure Level, dB*, presents the subjective effect of changes in sound pressure levels. Typical human hearing can detect changes of approximately 3 dBA or greater under normal conditions. Changes of 1 to

3 dBA are detectable under quiet, controlled conditions, and changes of less than 1 dBA are usually indiscernible. A change of 5 dBA or greater is typically noticeable to most people in an exterior environment and a change of 10 dBA is perceived as a doubling (or halving) of the noise.

| | |
|---------|--|
| ± 3 dB | Threshold of human perceptibility |
| ± 5 dB | Clearly noticeable change in noise level |
| ± 10 dB | Half or twice as loud |
| ± 20 dB | Much quieter or louder |

Source: Bies and Hansen, 1988

Point and Line Sources

Noise may be generated from a point source, such as a piece of construction equipment, or from a line source, such as a road containing moving vehicles. Because noise spreads in an ever-widening pattern, the given amount of noise striking an object, such as an eardrum, is reduced with distance from the source. This is known as spreading loss. The typical spreading loss for point-source noise is 6 dBA per doubling of the distance from the noise source.

A line source of noise, such as vehicles proceeding down a roadway, would also be reduced with distance, but the rate of reduction is affected by both distance and the type of terrain over which the noise passes. Hard sites, such as developed areas with paving, reduce noise at a rate of 3 dBA per doubling of the distance while soft sites, such as undeveloped areas, open space and vegetated areas reduce noise at a rate of 4.5 dBA per doubling of the distance. These represent the extremes and most areas would actually contain a combination of hard and soft elements with the noise reduction placed somewhere in between these two factors. Unfortunately the only way to actually determine the absolute amount of attenuation that an area provides is through field measurement under operating conditions with subsequent noise level measurements conducted at varying distances from a constant noise source.

Objects that block the line of sight attenuate the noise source if the receptor is located within the shadow of the blockage (such as behind a sound wall). If a receptor is located behind the wall, but has a view of the source, the wall would do little to reduce the noise. Additionally, a receptor located on the same side of the wall as the noise source may experience an increase in the perceived noise level, as the wall would reflect noise back to the receptor compounding the noise.

Noise Metrics

Several rating scales (or noise metrics) exist to analyze adverse effects of noise, including traffic-generated noise, on a community. These scales include the equivalent noise level (L_{eq}), the community noise equivalent level (CNEL), and the day/night noise level (L_{dn}). L_{eq} is a measurement of the sound energy level averaged over a specified time period.

The CNEL noise metric is based on 24 hours of measurement. CNEL differs from L_{eq} in that it applies a time-weighted factor designed to emphasize noise events that occur during the evening and nighttime hours (when quiet time and sleep disturbance is of particular concern). Noise occurring during the



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daytime period (7:00 AM to 7:00 PM) receives no penalty. Noise produced during the evening time period (7:00 to 10:00 PM) is penalized by 5 dB, and nighttime (10:00 PM to 7:00 AM) noise is penalized by 10 dB. The L_{dn} noise metric is similar to the CNEL metric except that the period from 7:00 to 10:00 PM receives no penalty. Both the CNEL and L_{dn} metrics yield approximately the same 24-hour value (within 1 dB) with the CNEL being the more restrictive (i.e., higher) of the two.

Regulatory Environment

State of California Standards

The California Department of Health Services (DHS) Office of Noise Control has studied the correlation of noise levels and their effects on various land uses. The State of California Interior and Exterior Noise Standards are shown in Table 9. These noise standards are incorporated as part of the California Building Code and California Noise Insulation Standards (Titles 24 and 25 California Code of Regulations) and are the noise standards required for new construction in California.

Table 9
State of California Interior and Exterior Noise Standards

| <i>Land Use</i> | | <i>CNEL (dBA)</i> | |
|--------------------------|---|-----------------------------|-----------------------------|
| <i>Categories</i> | <i>Uses</i> | <i>Interior¹</i> | <i>Exterior²</i> |
| Residential | Single and multifamily, duplex | 45 ³ | 65 |
| | Mobile homes | – | 65 ⁴ |
| Commercial | Hotel, motel, transient housing | 45 | – |
| | Commercial retail, bank, restaurant | 55 | – |
| | Office building, research and development, professional offices | 50 | – |
| | Amphitheater, concert hall, auditorium, movie theater | 45 | – |
| | Gymnasium (multipurpose) | 50 | – |
| | Sports Club | 55 | – |
| | Manufacturing, warehouse, wholesale, utilities | 65 | – |
| Institutional/ Public | Hospital, school classrooms/playground | 45 | 65 |
| | Church, library | 45 | – |
| Open Space | Parks | – | 65 |

Source: Titles 24 and 25 California Code of Regulations.

¹ Indoor environment, excluding bathrooms, kitchens, toilets, closets, and corridors.

² Outdoor environment limited to private yard of single-family dwellings, multifamily private patios or balconies accessed from within the dwelling (balconies 6 feet deep or less are exempt), mobile home parks, park picnic areas, school playgrounds, and hospital patios.

³ Noise level requirement with closed windows, mechanical ventilation, or other means of natural ventilation shall be provided as per Chapter 12, Section 1205, of the Uniform Building Code.

⁴ Exterior noise levels should be such that interior noise levels will not exceed 45 dBA CNEL.

City of Newport Beach Noise Standards

Noise Compatibility

The City of Newport Beach General Plan Noise Element discusses the effects of noise exposure on the population and sets goals aimed at protecting its residents from undue noise. The General Plan Noise Element contains noise thresholds for developments located adjacent to mobile or transportation noise sources and thresholds for stationary noise sources. The City applies the state's Community Noise and Land Use Compatibility standards, summarized in Table 10, to assess the compatibility of new development with existing noise sources, such as vehicles and trains.

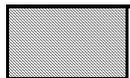
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**Table 10
Community Noise and Land Use Compatibility**

| Land Uses | CNEL (dBA) | | | | | | |
|--|------------|-------|-------|-------|-------|-------|-----|
| | <55 | 55-60 | 60-65 | 65-70 | 70-75 | 75-80 | >80 |
| Residential – Single-Family, Two-Family, Multiple-Family | | | | | | | |
| Residential – Mixed Use | | | | | | | |
| Residential – Mobile Home | | | | | | | |
| Commercial (Regional, District) – Hotel, Motel, Transient Lodging | | | | | | | |
| Commercial (Regional, Village, Special District, Special) – Commercial Retail, Bank, Restaurant, Movie Theater | | | | | | | |
| Commercial Industrial Institutional – Office Building, Research and Development, Professional Offices, City Office Building | | | | | | | |
| Commercial (Recreational) & Institutional (Civic Center) – Amphitheatre, Concert Hall Auditorium, Meeting Hall | | | | | | | |
| Commercial (Recreational) – Children’s Amusement Park, Miniature Golf Course, Go-cart Track, Equestrian Center, Sports Club | | | | | | | |
| Commercial (General, Special), Industrial, & Institutional – Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities | | | | | | | |
| Institutional – Hospital, Church, Library, School Classroom | | | | | | | |
| Open Space – Parks | | | | | | | |
| Open Space – Golf Course, Cemeteries, Nature Centers, Wildlife Reserves, Wildlife Habitat | | | | | | | |
| Agriculture – Agriculture | | | | | | | |



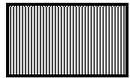
Explanatory Notes



Clearly Compatible:
With no special noise reduction requirements assuming standard construction.



Normally Incompatible:
New construction is discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



Normally Compatible:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design.



Clearly Incompatible:
New construction or development should generally not be undertaken.

Source: City of Newport Beach, *Newport Beach General Plan*, Adopted November 2006. Adapted from the Governor’s Office of Planning and Research, State of California General Plan Guidelines, 2003.

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Table 10 identifies normally acceptable, conditionally acceptable, and clearly unacceptable noise levels for various land uses. A conditionally acceptable designation implies new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements for each land use is made and needed noise insulation features are incorporated in the design. A normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements.

For the purposes of CEQA, the City of Newport Beach has adopted the Federal Transit Administration's (FTA) incremental traffic noise impact criteria, which becomes progressively more stringent as the baseline traffic noise levels increase. The City's incremental thresholds are shown in Table 11.

Table 11
City of Newport Beach Incremental Noise Impact Criteria for
Noise-Sensitive Uses
(dBA CNEL)

| <i>Existing Noise Exposure</i> | <i>Allowable Combined Noise Exposure</i> | <i>Allowable Noise Exposure Increment</i> |
|--------------------------------|--|---|
| 55 | 58 | 3 |
| 60 | 62 | 2 |
| 65 | 66 | 1 |
| 70 | 71 | 1 |
| 75 | 75 | 0 |

Source: City of Newport Beach General Plan and General Plan EIR. Adopted November 2006.

Stationary (Nontransportation) Noise

The City applies the Noise Control Ordinance standards (Newport Beach Municipal Code Chapter 10.26.025), summarized in Table 12, to nontransportation, stationary noise sources. These standards do not gauge the compatibility of developments in the noise environment, but provide restrictions on the amount and duration of noise generated at a property, as measured at the property line of the noise receptor. These noise standards do not apply to noise generated by vehicle traffic, because the state, counties, and cities are preempted from controlling vehicle noise under federal law. The City's noise ordinance is designed to protect people from objectionable nontransportation noise sources such as music, machinery, and pumps.

Table 12
City of Newport Beach Exterior Noise Standards
(L_{eq})

| Noise Zone | Time Interval | Maximum Daytime Noise Levels (dBA) | |
|---|---------------|------------------------------------|-----------|
| | | L_{25} | L_{max} |
| Zone I – Single-, two-, or multiple-family residential | 7 AM to 10 PM | 55 | 75 |
| | 10 PM to 7 AM | 50 | 70 |
| Zone II – Commercial | 7 AM to 10 PM | 65 | 85 |
| | 10 PM to 7 AM | 60 | 80 |
| Zone III – Residential portions of mixed use properties | 7 AM to 10 PM | 60 | 80 |
| | 10 PM to 7 AM | 50 | 70 |
| Zone IV – Industrial or manufacturing | 7 AM to 10 PM | 70 | 90 |
| | 10 PM to 7 AM | 70 | 90 |

Source: City of Newport Beach Municipal Code. Chapter 10.26.025, Exterior Noise Standards.

Notes:

- These noise standards do not apply to heating ventilation and air conditioning systems or construction pursuant to Chapter 10.26.035 of the Municipal Code.
- In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
- The Noise Zone III standard shall apply to that portion of residential property falling within 100 feet of a commercial property, if the intruding noise originates from that commercial property.
- If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.



Equipment sound ratings of new heating ventilation and air condition (HVAC) equipment installed within the City of Newport Beach are reviewed during plan check and tested in the field after installation. According to the City of Newport Beach Municipal Code (Chapter 10.26.045), new permits for HVAC equipment in or adjacent to residential areas shall be issued only where the sound rating of the proposed equipment does not exceed 55 dBA and is installed with a timing device that will deactivate the equipment during the hours of 10 PM to 7 AM.

Construction Noise

The City realizes that the control of construction noise is difficult and therefore provides exemption for this type of noise. According to the City of Newport Beach Municipal Code Chapter 10.26.035, Exemptions, noise sources associated with construction, repair, remodeling, demolition, or grading of any real property are exempt from the noise level limits shown in the Table 12 above. Such activities shall instead be subject to the provisions of the City of Newport Beach Municipal Code Chapter 10.28.040, Construction Activity – Noise Regulations. According to this chapter, construction is permitted on weekdays between the hours of 7:00 AM and 6:30 PM and Saturdays between the hours of 8:00 AM and 6:00 PM. Construction is not permitted on Sundays or any federal holiday.

Federal Transit Administration Vibration Criteria

The City of Newport Beach does not have specific limits or thresholds for vibration. The FTA provides criteria for acceptable levels of groundborne vibration for various types of special buildings that are sensitive to vibration. These criteria were used for this analysis. The human reaction to various levels of vibration varies. The upper end of the range shown for the threshold of perception, or roughly 65 VdB, may be considered annoying by some people. Vibration below 65 VdB may also cause secondary audible effects such as a slight rattling of doors, suspended ceilings/fixtures, windows, and dishes, any

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of which may result in additional annoyance. Table 13 shows the FTA groundborne vibration and noise impact criteria.

Table 13
Groundborne Vibration and Noise Impact Criteria – Human Annoyance

| Land Use Category | Groundborne Vibration Impact Levels (VdB re 1 microinch/sec) | | | Groundborne Noise Impact Levels (dB re 20 micropascals)⁵ | | |
|--|---|--------------------------------------|--------------------------------------|--|--------------------------------------|--------------------------------------|
| | Frequent Events¹ | Occasional Events² | Infrequent Events³ | Frequent Events¹ | Occasional Events² | Infrequent Events³ |
| Category 1: Buildings where low ambient vibration is essential for interior operations. | 65 VdB ⁴ | 65 VdB ⁴ | 65 VdB ⁴ | NA ⁴ | NA ⁴ | NA ⁴ |
| Category 2: Residences and buildings where people normally sleep. | 72 VdB | 75 VdB | 80 VdB | 35 dBA | 38 dBA | 43 dBA |
| Category 3: Institutional land uses with primarily daytime use. | 75 VdB | 78 VdB | 83 VdB | 40 dBA | 43 dBA | 48 dBA |

Source: FTA 2006

¹ "Frequent Events" are defined as more than 70 vibration events of the same source per day.

² "Occasional Events" are defined as between 30 and 70 vibration events of the same source per day.

³ "Infrequent Events" are defined as fewer than 30 vibration events per day of the same kind per day.

⁴ This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels.

⁵ Vibration-sensitive equipment is not sensitive to groundborne noise.

In addition to the vibration annoyance standards presented above, the FTA also applies standards for construction vibration damage, as shown in Table 14. Structural damage is possible for typical residential construction when the peak particle velocity (PPV) exceeds 0.2 inch per second. This criterion is the threshold at which there is a risk of damage to normal dwelling houses.

Table 14
Groundborne Vibration and Noise Impact Criteria – Structural Damage

| Building Category | PPV (in/sec) | VdB |
|---|---------------------|------------|
| I. Reinforced concrete, steel, or timber (no plaster) | 0.5 | 102 |
| II. Engineered concrete and masonry (no plaster) | 0.3 | 98 |
| III. Nonengineered timber and masonry buildings | 0.2 | 94 |
| IV. Buildings extremely susceptible to vibration damage | 0.12 | 90 |

Source: FTA 2006

Notes: RMS velocity calculated from vibration level (VdB) using the reference of one microinch/second.

Existing Noise Environment

The 1.49-acre project site is currently developed with a 54-unit apartment complex (Las Brisas Apartments), which includes a small on-site recreational area. Existing noise within the vicinity of the project site includes that generated by the apartment complex, such as landscaping noise (lawnmowers, blowers, etc.); noise generated by heating, ventilation, and air conditioning (HVAC) units; other on-site stationary noise; and noise generated by the vehicle trips made by the residents. In addition, the project

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site is surrounded by residential and recreational land uses, including a park with tennis courts and a public beach. The existing noise environment is characteristic of a beach-side residential neighborhood.

Certain land uses are particularly sensitive to noise and vibration. Noise- and vibration-sensitive uses include residential land uses where quiet environments are necessary for enjoyment and public health and safety. Residential receptors are located directly northeast, southeast, and southwest of the project site. Other noise-sensitive land uses include the small neighborhood park located directly to the northwest of the project site. Tennis courts within the park border the project site.

Local Thresholds of Significance

The analysis of impacts related to noise considers the impacts of project construction and operations noise as defined by the City of Newport Beach (for noise impacts) and the FTA (for vibration impacts). Based on the applicable Municipal Code and the FTA methodology, the proposed project would have a significant adverse noise impact if the project results in any of the following.

Noise

- Short-term construction activities occurring outside of the hours specified (weekdays from 7:00 AM to 6:30 PM, and Saturdays from 8:00 AM to 6:00 PM, excluding Sundays and federal holidays) under Chapter 10.28.040 of the City of Newport Beach Municipal Code.
- Based on Policy N 1.8 of the Newport Beach General Plan, project-related traffic increases the CNEL at any noise-sensitive receptor by an audible amount of: (1) 3 dBA or more when the existing CNEL is 60 dBA or less, (2) 2 dBA or more when the CNEL is between 60 and 65 dBA, (3) 1 dBA or more when the CNEL is between 65 and 75, or (4) any amount when the CNEL exceeds 75 dBA in the vicinity of any noise-sensitive receptors (see Table 11).
- Project-related stationary noise would result in stationary (nontransportation) noise that exceeds the standards of the City's Municipal Code (see Table 12) on noise-sensitive receptors.



Groundborne Vibration

- Construction equipment would produce levels of vibration that exceed the FTA's criterion for human annoyance for infrequent events (80 VdB) at off-site vibration-sensitive structures (see Table 13).
- Construction equipment would produce levels of vibration that exceed the FTA criterion for structural damage at adjacent structures (see Table 14).

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact. The proposed project includes construction and operation of 24 new residential units in the City of Newport Beach. Project-generated noise during the operations phase of the project would be from project-generated traffic (mobile-source noise) and on-site operations (stationary-source noise). However, because the project would result in a net-reduction of trips, the project would result in a decrease in traffic noise levels on roadways within the vicinity of the project site.

On-Site Stationary Noise Generation

On-site stationary-source noise generated by the 24 new residential units would be similar to the noise generated by the existing uses and would be characterized by similar on-site stationary noise sources. However, the new residential complex and would be constructed at a lower density than the existing

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apartment complex and would eliminate the on-site recreation area, thereby reducing stationary-source noise levels. Because the new residential units would replace the existing residential uses, no significant increase in noise levels from operation of the 24 residential units would occur.

Noise Compatibility

The proposed project is located off of small collector streets within an existing residential neighborhood. Noise generated by traffic on the adjacent River Avenue or Seashore Drive is not substantial for units facing these small collector streets; and therefore, exterior noise levels are anticipated to comply with the City of Newport Beach's noise compatibility criteria for new residential construction of 65 dBA CNEL. However, a small portion of the project site is located within direct line-of-sight of Pacific Coast Highway (SR-1). According to the City of Newport Beach General Plan Update (2005), SR-1 is projected to have volumes of 50,000 vehicles per day upon General Plan buildout. Traffic noise modeling of future General Plan buildout traffic volumes was conducted using the Federal Highway Administration's Traffic Noise Model. Traffic noise modeling was conducted at the building exterior, approximately 180 feet from the centerline of Pacific Coast Highway, and took into account the approximately nine-foot tall masonry wall adjacent to the roadway. Traffic noise at the building facade closest to SR-1 is calculated at 59.1 dBA CNEL at the ground-floor units which is below the City's 65 dBA CNEL noise compatibility threshold for residential uses (Appendix F).

For interior noise environments associated with the proposed project, the State of California requires that new construction achieve a noise environment of 45 dBA CNEL. Standard windows and doors in a warm-weather climate typically achieve a minimum of 12 dBA noise reduction with windows open and a minimum of 24 dBA reduction with windows closed (SAE 1971). Because traffic on River Avenue and Seashore Drive is not anticipated to have substantial noise levels and ground floor units facing SR-1 would have exterior noise levels of 59 dBA CNEL ($59 - 24 = 35$ dBA CNEL), the interior noise environment is anticipated to comply with the California Building Code for standard building construction and no mitigation measures are necessary. Likewise, building facades with direct line-of-sight to SR-1, which includes second- and third-story building facades facing the highway, would have exterior noise levels of 67.3 dBA CNEL because they are not shielded by the noise wall, and would also comply with the California Building Code interior noise limits ($67 - 24 = 43$ dBA CNEL). HVAC systems are proposed for all units within the project site. Therefore, standard building construction would achieve the interior noise requirements for new building construction in the state of California.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact With Mitigation Incorporated. The proposed project would involve demolition of the existing apartment complex and construction and operation of 24 new residential units. The project site would not require pile driving, blasting, or other vibration-intensive activity. However, construction equipment used during project development would produce vibration from vehicle travel as well as grading and asphalt paving activities. Because the project is a residential complex, no significant sources of vibration would be present during project operations.

Vibration is typically sensed at nearby structures when objects within the structure generate noise from the vibration, such as rattling windows or picture frames. Vibration is typically not perceptible in outdoor environments.

The project would be constructed in three development phases in order to stage construction activities. The primary haul route for material deliveries and material haul trucks would be on River Street. A secondary construction access point would be located on Neptune Avenue. The staging areas for

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construction activities would be located on the northwestern side of the property, away from the residential receptors. The nearest vibration-sensitive uses are residential structures approximately eight feet from where construction of the building pad of southernmost building would occur and four feet from the property line for two residential units constructed in Phases 1 and 3. However, the majority of construction activities would occur farther away for demolition activities and construction of the other residential buildings. In addition, it is anticipated that construction activities would involve removal of the existing asphalt pavement to the property line. Table 15 lists the average and maximum levels vibration that would be experienced at the nearest vibration sensitive structures. The maximum vibration level is associated with the highest levels of vibration if the construction equipment was operating directly adjacent to the property line. Because the majority of the time construction activities would be spread throughout the project site, impacts are based on whether or not average vibration levels (i.e., vibration levels that would be experience by sensitive receptors the majority of the time) would exceed the FTA criterion.

Table 15
Vibration Source Levels for Construction Equipment at Nearest Residences

| Vibration Annoyance Assessment | | | | |
|---------------------------------------|---------------------------------------|---------------------------------------|-------------------------------------|--|
| Equipment | Maximum Vibration Levels (VdB) | Average Vibration Levels (VdB) | Significance Threshold (VdB) | Exceeds Significance Threshold? |
| Small bulldozer | 68 | 44 | 80 | No |
| Jackhammer ¹ | 89 | 65 | 80 | No |
| Loaded trucks ² | 86 | NA | NA | NA |
| Structural Damage Assessment | | | | |
| Equipment | Maximum RMS Velocity (in/sec) | Average RMS Velocity (in/sec) | Significance Threshold (VdB) | Exceeds Significance Threshold? |
| Small bulldozer | 0.0166 | 0.0003 | 0.2 | No |
| Jackhammer ¹ | 0.1933 | 0.0033 | 0.2 | No |
| Loaded trucks ² | 0.0760 | NA | 0.2 | No |

Source: Based on methodology from FTA 2006.
 NA: Not Applicable.
 Notes: RMS velocity calculated from vibration level (VdB) using the reference of one microinch/second.
¹ Determined based on use of jackhammers or pneumatic hammers that may be used for pavement demolition at a distance of 25 feet.
² Maximum vibration levels based on proximity of the residential homes to the material haul route on River Street. Because vibration levels from loaded trucks are a brief pass-by event and are not sustained vibration levels, the FTA significance threshold for vibration annoyance is not applicable but is shown for informational purposes only.



The FTA has established vibration levels for vibration-induced structural damage. For wood-framed residential construction, the threshold is 0.20 inch per second for the PPV. Due to the scale of the proposed project and limited maneuverability on-site, it is assumed that construction activities associated with demolition of the existing structures would not require very large construction equipment such as scrapers or large bulldozers and therefore vibration levels would not cause structural damage. However, use of a jackhammer near the boundary of the site could generate levels of vibration that could be perceptible and are at the limits for minor architectural damage for wood-framed residential structures (i.e., plaster cracks). To ensure that even minor architectural damage would not occur, alternative demolition methods would be required for removal of asphalt within eight feet of the residential units directly to the southeast of the project site.

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The FTA criterion for vibration-induced annoyance is 80 Vibration Velocity (VdB) for residential uses for infrequent events, such as construction activities. Construction of the project would generate average levels of vibration that would not exceed the FTA criteria for nuisance for residential uses nearest the project site. While vibration would be perceptible when construction is operating in close proximity to the property line, the majority of heavy construction activities would be operating at farther distances. In addition, heavy construction equipment would only be in operation for a short period of time during project-related grading activities. Consequently, no significant impacts would occur from typical construction activities.

Mitigation Measure

6. Demolition of the existing asphalt with a jackhammer within eight feet of the existing residential structures to the southeast of the site shall be prohibited. The construction contractor shall utilize alternative asphalt demolition methods such as a concrete saws and other nonvibratory construction equipment to remove the pavement.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. As noted in response 3.11a, the project would not substantially increase ambient noise levels at residential uses in the vicinity of the project due to stationary-source or mobile-sources noise generated by the 24 residential units. Impacts would be less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Noise levels associated with construction activities would be higher than the ambient noise levels in the project area today, but would subside once construction of the proposed project is completed. Two types of noise impacts could occur during the construction phase. First, the transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. Even though there would be a relatively high single-event noise exposure potential with passing trucks (a maximum noise level of 86 dBA at 50 feet), the expected number of workers and trucks is small relative to the background traffic. The truck trips would be spread out throughout the workday and would primarily occur during nonpeak traffic periods. Therefore, these impacts are less than significant at noise receptors along the construction routes, and no mitigation measures are necessary.

The second type of impact is related to noise generated by on-site construction operations, and local residents would be subject to elevated noise levels due to the operation of on-site construction equipment. Construction activities are carried out in discrete steps, each of which has its own mix of equipment, and consequently its own noise characteristics. These various sequential phases would change the character of the noise levels surrounding the construction site as work progresses. Construction noise levels reported in *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, were used to estimate future construction noise levels for the proposed project (USEPA 1971). Typically, the estimated construction noise levels are governed primarily by the highest noise-producing pieces of equipment. Table 16 presents typical noise levels generated from project construction sites during various construction phases from the nearest noise-sensitive uses, which include the adjacent residences and the neighborhood park.

Table 16
Average Construction Noise Levels

| Construction Phase | Noise Levels for Residential Building Construction (dBA L_{eq}) |
|----------------------------|--|
| Ground Clearing | 75 |
| Excavation/Grading | 80 |
| Foundation Construction | 73 |
| Building Construction | 73 |
| Finishing and Site Cleanup | 80 |

Source: Bolt, Beranek and Newman, 1971

Construction staging areas would be located on the northwestern portions of the site, farther away from residential noise-sensitive receptors but adjacent to the tennis court area within the small neighborhood park. Due to the scale of the proposed project and limited maneuverability on-site, it is assumed that construction activities associated with demolition of the existing structures would not require very large construction equipment, such as scrapers or large bulldozers. In addition, construction of the project would take 18 months and noise generated by construction activities would cease once construction is completed. Average construction noise levels from typical construction equipment range from 73 to 80 dBA at the nearest sensitive receptors. Residential interior noise levels could be reduced by over 24 dBA from this value (SAE 1971). Furthermore, the project must abide by the most restrictive construction hours applied by the City of Newport Beach. According to the City of Newport Beach’s Municipal Code, construction equipment shall not be operated weekdays between the hours of 6:30 PM and 7:00 AM, and Saturdays between the hours of 6:00 PM and 8:00 AM, excluding federal holidays. Impacts are therefore less than significant.



- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The John Wayne Airport is the closest airport to the project site. However, the project is located outside of the 60 dBA CNEL and 65 dBA CNEL noise contours, as shown on the John Wayne Airport 2006 Annual 60, 65, 70 and 75 CNEL Noise Contours. Therefore, no impacts would occur from exposure of persons to significant levels of aircraft noise as a result of the proposed project, and no mitigation measures are necessary.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. There are no private airstrips located within the vicinity of the project site. Therefore, no impacts would occur from exposure to airport noise as a result of the proposed project, and no mitigation measures are necessary.

3. Environmental Analysis

3.12 POPULATION AND HOUSING

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less Than Significant Impact. The project site is currently developed with a 54-unit apartment complex in a residential neighborhood. Development of 24 single and duplex units would not induce substantial population growth in the area directly or indirectly. No growth impact would result from the proposed project and no mitigation measures are necessary.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Less Than Significant Impact. The proposed project involves demolition of a 54-unit apartment complex and development of 24 single-family and duplex units, a reduction of 30 units. The 2006 American Community Survey (Census 2007) estimates that there are 43,851 housing units the City of Newport Beach, with 5,462 vacant units. The total vacancy rate for the City is 12.5 percent—7.7 percent rental vacancy rate and 2.1 percent homeowner vacancy rate. Displacement of 30 multifamily rental units would not necessitate the construction of replacement housing elsewhere, since there are existing rental units to absorb the proposed displaced housing units. Therefore, impacts would be less than significant and no mitigation measures are necessary.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Less Than Significant Impact. The proposed project involves demolition of a 54-unit apartment complex and would result in displacement of approximately 122 residents (based on average household size of 2.25). The recently approved General Plan would allow substantial numbers of new residential units to be constructed in areas where residential was not previously permitted and would commit the City to enforcing the requirements of its inclusionary housing program, which requires a proportion of affordable housing in new residential developments or payment of an in-lieu fee. The City's goal is that an average of 15 percent of all new residential development will be affordable to very low-, low-, and moderate-income households. In order to implement this Housing Element policy, the City Council has also established an Affordable Housing Task Force that works with developers and landowners to facilitate the development of affordable units and identifies the most appropriate use of in-lieu fee funds. The Task Force and staff continually investigate and research potential affordable housing opportunities.

The project developer is required to comply with the California Government Code Section 65590 and 65590.1, commonly known as the 1982 Mello Act. The Mello Act is a statewide law which seeks to preserve housing for persons and families with low and moderate incomes in California's Coastal Zone. The Mello Act stipulates that the conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. However, it should be noted that the Mello Act contains exemptions whereby a project can be relieved of the replacement requirement if replacement is not feasible.

Additionally, according to the Apartment Guide, a popular website and periodic publication that provides property specific rental information throughout country (<http://www.apartmentguide.com>), the current

3. Environmental Analysis

rent for the existing apartments (Las Brisas Apartments) start at \$1,650 for one bed and one bath unit and \$2,200 for two bed and one bath unit. Another website, www.apartmentratings.com show rental prices in the City of Newport Beach: it identifies average rent for two-bed and two-bath unit as \$2,137 in year 2007. While the presented information may not be 100 percent reliable, it provides snapshots of current rental market in Newport Beach. There are approximately 5,462 vacant units within the City, of which approximately 3,377 units are rental units. There are adequate vacant housing units in the City to accommodate the 122 residents displaced by the proposed project. Based on available rentals at comparable rates, the City's commitment to providing affordable housing units in the City, and project compliance with the Government Code Section 65590 and 65590.1 as required, impacts would be less than significant and no mitigation measures are necessary.

3.13 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection

Less Than Significant Impact. The City of Newport Beach is served by the Newport Beach Fire Department. The Newport Beach Fire Department operates eight stations in the City of Newport Beach. The fire department is divided into four divisions: Operations, Fire Prevention, Training, and Administrative. Each of the eight fire stations has one engine company, three have paramedic vans, and two have ladder trucks. Each engine or truck company has a staff of three persons per 24-hour period: one captain, one engineer (driver), and one fire fighter, with the exception that on one engine the firefighter position is staffed with a paramedic firefighter. Each paramedic ambulance has a staff of two firefighter-paramedics per 24-hour period. Station 2, the closest station to the project site, is located at 475 32nd Street, approximately 1.2 driving miles east of the project site. Station 2 is equipped with one fire engine, one ladder truck, and one paramedic ambulance. The fire department's average response time to any area in the City is approximately five minutes.

The project site is currently developed with the higher density multifamily residential units and the proposed project would decrease the on-site density. Therefore, the proposed project would not have a substantial adverse impact on the fire department's ability to serve the project site. Additionally, all development projects within the City of Newport Beach are required to comply with the most current adopted Uniform Fire Code and other City standards and ordinances. During the building permitting process, the Newport Beach Fire Department would review and approve development plans associated with the proposed project to ensure that they provided adequate access, traffic circulation, water, and hydrant systems to support fire department needs. Therefore, project implementation is not anticipated to have a significant impact on fire services and no mitigation measures are necessary.

b) Police protection

Less Than Significant Impact. Law enforcement services for the City of Newport Beach are provided by the Newport Beach Police Department (NBPD), located at 870 Santa Barbara Drive. As of November 2005, the NBPD employed a total of 280 personnel, including 148 sworn officers. The NBPD is currently separated into three divisions (Support Services, Patrol/Traffic, and Detectives), all of which are overseen by the Office of the Chief of Police.



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The proposed residential project would replace the existing 54-unit apartment complex with 24 single and duplex units. Therefore, the proposed project would actually reduce the police service demand generated from the project site. In 2005, approximately 85,120 residents lived in the City with the police staffing ratio of 1.7 officers per 1,000 population. Based on the 2006 population of 86,820 total population in the City, a reduction of units from 54 to 24 would not result in changes to the existing staffing ratio. The City's General Plan specifies the staffing goal of 1.9 officers per 1,000 residents. No significant impact would occur and no mitigation measures are necessary.

c) Schools

Less Than Significant Impact. The proposed project would result in reduction of residential units from 54 to 24. Therefore, the proposed project would not have a significant adverse impact on school facilities. Additionally, California Educational Code Section 17620 authorizes school districts to collect fees for the mitigation of new development projects. These fees are collected by the relevant school district prior to City issuance of building permits for new development. The project applicant would be required to pay developer fees to the Newport-Mesa Unified School District to reduce any impacts to the school system. Government Code Section 65595 establishes the allowable school impact fee, which may be assessed on commercial and residential development. Based on the current fee structure for residential developments, construction can be assessed per square foot. Payment of school impact fees is considered sufficient to mitigate any potential impacts to schools that may occur. No mitigation measures are necessary.

d) Parks

Less Than Significant Impact. The project site is located in Service Area 1 in the Recreation and Open Space Plan of the General Plan. Although the City's Recreation Element indicates that Service Area 1 is currently underserved by parkland, the proposed project would result in net decrease in dwelling units. Furthermore, there are eight parks in this service area and West Newport Park is the nearest park to the project site, located immediately adjacent to the project site to the north. Additionally, Sunset Ridge Park is proposed to be developed on the north side of Pacific Coast Highway at Superior Avenue, approximately 0.5 mile to the southeast. According to the City's General Plan, the City has approximately 286 acres of developed parks and approximately 90 acres of active beach recreation acreage, for a total of 376.8 acres. Newport Beach's parklands range in size from mini-parks such as the Lower Bay Park (0.1 acre) to the 47.6-acre Bonita Canyon Sports Park.

In addition to the West Newport Park immediately adjacent to the project site, the project's proximity to the beach would ensure that the proposed project is not underserved by recreational opportunities. The proposed project would also provide some private outdoor areas.

The proposed project is not subject to provisions set forth in Chapter 19.52 *Park Dedications and Fees* of the Municipal Code since the project would not result in a net increase in dwelling units. The proposed project would not create additional demands for parks and adequate open space demands would be met through the existing and planned parks and through the beach, one of the City's greatest open space assets. Therefore, park impacts would be less than significant and no mitigation measures are necessary.

e) Other public facilities

Less Than Significant Impact. The project site and its surrounding area are developed with urban uses and with easily accessible existing public facilities. The proposed residential project would not result in

substantial adverse impacts to any other public facilities. No significant impacts would result from the development of the proposed project and no mitigation measures are necessary.

3.14 RECREATION

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?**

Less Than Significant Impact. The project as proposed is to construct 24 residential units on a 1.49-acre parcel currently developed with an apartment complex. The number of new users at existing neighborhood or regional parks resulting from the proposed project would not produce substantial physical deterioration of recreational facilities. No mitigation measures are necessary.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

Less Than Significant Impact. Development of the proposed project would result in a reduction of units from 54 to 24. Although no recreational facilities have been proposed as part of the 24-unit residential project, the recreational facilities demand would decrease compared to the existing uses. It is anticipated that existing recreational facilities within the City would be able to accommodate the increase in demand. The proposed project would have a less than significant physical effect on the environment and no mitigation measures are necessary.

3.15 TRANSPORTATION/TRAFFIC

- a) **Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

Less Than Significant Impact. The project trip generation was calculated using the Institute of Traffic Engineers' (ITE) *Trip Generation Manual* (7th edition, 2003), as shown in Table 17. The proposed project is anticipated to result in a net reduction of 178 average daily trips (ADT) in comparison to the number of trips estimated to be generated by the existing apartment use. The proposed project consists of 12 single-family units and 12 condo/townhouse (duplex) units; therefore, is anticipated to generate a total of 185 ADT. Since the project site is currently developed with a 54-unit apartment complex that generates approximately 363 ADT, implementation of the proposed project would result in a net decrease of 178 ADT and the impacts would be less than significant. A project that generates fewer than 300 ADT is not subject under the City Traffic Phasing Ordinance (TPO) and a project-specific traffic study is not warranted. No mitigation measures are necessary.



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**Table 17
Project-Generated Traffic**

| Land Use | ITE Code | Size Unit | AM Peak Hour | | | PM Peak Hour | | | Daily |
|------------------------------|----------|-----------|--------------|-------------|-------------|--------------|------------|-------------|--------------|
| | | | In | Out | Total | In | Out | Total | |
| Proposed Project | | | | | | | | | |
| Rate | | | 17% | 83% | 0.44 | 67% | 33% | 0.52 | 5.86 |
| Condo/TownHouse | 230 | 12 DU | 1 | 4 | 5 | 4 | 2 | 6 | 70 |
| Rate | | | 25% | 75% | 0.75 | 63% | 37% | 1.01 | 9.57 |
| SF | 210 | 12 DU | 2 | 7 | 9 | 8 | 4 | 12 | 115 |
| Project-total | | | 3 | 11 | 14 | 12 | 6 | 18 | 185 |
| Existing | | | | | | | | | |
| Rate | | | 20% | 80% | 0.51 | 65 | 35 | 0.62 | 6.72 |
| Apartment | 220 | 54 DU | 6 | 22 | 28 | 22 | 12 | 33 | 363 |
| Net decrease in trips | | | (3) | (11) | (14) | (10) | (6) | (15) | (178) |

Source: ITE 2003, 7th Edition

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

Less Than Significant Impact. The proposed project would result in a net reduction of 178 ADTs. The City of Newport Beach does not require the TPO analysis for projects that generate less than 300 ADTs. The proposed project would not cause the county congestion management agency's level of service standards to be exceeded. The proposed project would have a less than significant impact and no mitigation measures are necessary.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The proposed project involves redevelopment of a 54-unit apartment complex to 24 single and duplex residential units. The proposed project would result in a decrease in traffic levels and would not result in a change in air traffic patterns. John Wayne Airport is the nearest airport to the project site, located approximately 1.5 miles from the site and the proposed project would not impact the air traffic pattern of this airport. No significant impacts would occur and no mitigation measures would be required.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Less Than Significant Impact. Access to the project would be provided from River Avenue and Neptune Avenue. There are no sharp turns or incompatible uses in the vicinity of the project site. A total of three driveways would access the project site, two from River Avenue and one from Neptune Avenue. The western driveway on River Avenue would serve one single-family residential unit exclusively. The proposed project would not significantly change the existing on-site traffic pattern and since it would result in a net decrease in traffic volume, any hazards due to a design feature would be unlikely. The internal circulation system of the project provides proper access to individual units and guest parking with clear visibility. The project site access would be subject to approval by the City's fire and police departments for safety. No conflicts with the internal access system are anticipated. No mitigation measures are necessary.

e) Result in inadequate emergency access?

Less Than Significant Impact. The project site would have egress and ingress from two streets, River Avenue and Neptune Avenue. These access points and street widths would provide adequate emergency access into and out of the project site. Additionally, the proposed project would be required to incorporate all applicable design and safety requirements as set forth in the UBC, Fire Code, and Newport Beach Fire and Police Department standards and requirements. For example, prior to final site plan approval for each phase of the project, the City of Newport Beach would coordinate with the fire and police departments to ensure that adequate circulation and access is provided within the traffic and circulation components of the proposed project. Therefore, impacts related to emergency access would not occur and no mitigation measures are necessary.

f) Result in inadequate parking capacity?

Less Than Significant Impact. The proposed 24 units each include a two-car garage and 13 guest parking spaces, providing a total of 60 parking spaces. City of Newport Beach Municipal Code 20.66.040, Parking Standards for Residential Districts, requires at least one parking space for each dwelling unit for residential districts. Therefore, the proposed project would provide a surplus of 36 spaces and would not result in inadequate parking capacity. No mitigation measures are necessary.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. The proposed project would not conflict with adopted policies supporting alternative transportation. Public transportation is readily available in and around the project area. No significant impacts would occur and no mitigation measures are necessary.



3.16 UTILITIES AND SERVICE SYSTEMS

a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. The proposed project consists solely of residential uses. The project site is already developed with higher density residential uses and implementation of the proposed project would not change the sewer quality. It would not include industrial uses and would not be subject to wastewater treatment requirements of the Regional Water Quality Control Board. No mitigation is required.

b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. Water and wastewater service to the project site are currently being provided by the City of Newport Beach.

Water

The project site is within the City of Newport Beach water service area. The City provides water service to approximately 36 square miles of its planning area. The City water supplies are imported water purchased from the Municipal Water District of Orange County (MWD), groundwater pumped from the

3. Environmental Analysis

Orange County Groundwater Basin, and reclaimed water. Water is delivered via existing transmission mains and distribution lines totaling over 210 miles within the City's service area. Transmission mains convey water to various sections of the distribution system and the distribution lines deliver water to local areas. There is a water main along River Avenue serving the existing 54-unit apartment complex.

The City's imported surface water supply is treated at one of two treatment plants: (1) the MWD Diemer Filtration Plant, located in Yorba Linda; or (2) MWD's Weymouth Filtration Plant, which is located in the San Gabriel Valley. Treatment capacity at the Diemer Filtration Plant is approximately 520 million gallons per day (mgd), with existing average winter flows at approximately 140 mgd, increasing to approximately 375 mgd in the summer.

Using the sewer generation factor of 370 gallons per day (gpd), and assuming water generation would be 110 percent of sewer generation, the proposed project is projected to generate the demand for approximately 9,768 gpd of water. The project site currently generates the demand for approximately 12,652 gpd (based on 110 percent of 213 gpd sewer generation rate for multifamily residential units). Implementation of the proposed project would result in a net decrease in demand of 2,884 gpd. The existing water infrastructure is currently serving the higher density development, so, no expansion of water infrastructure would be necessary.

Wastewater

Wastewater from the City's sewer system is treated by the Orange County Sanitation District (OCSD). The OCSD is responsible for safely collecting, treating, and disposing the wastewater generated by 2.3 million people living in a 470-square-mile area of central and northwest Orange County. The City of Newport Beach is in Revenue Area 5, the smallest service area for OCSD. The City represents 2.57 percent of OCSD's service area population and generates 4 percent of OCSD's total flow.

The two sewage water treatment plants operated by the OSCD are Treatment Plant No. 2 in Huntington Beach and Reclamation Plant No. 1 in Fountain Valley. A majority of the City's sewage flow is pumped to the OCSD Plant No. 2, while flows from the portion of the City north of the Corona del Mar (73) Freeway are pumped to Plant No. 1. The OCSD Reclamation Plant No. 1 currently maintains a design capacity of 174 mgd and treats an average of 90 mgd.

Treatment Plant No. 2 maintains a design capacity of 276 mgd and currently treats on average a flow of 153 mgd. Currently Plant No. 1 and Plant No. 2 are operating at 52 percent and 55 percent of design capacity, respectively. Wastewater treated by the OCSD is discharged into the ocean through a 120-inch-diameter ocean outfall pipe that extends five miles offshore to a discharge point 180 feet below the ocean surface. The treatment levels meet all current state and federal requirements. OCSD also reclaims up to 10 million gallons of treated wastewater every day, which is sent for further processing and then used for landscape irrigation and for injection into the groundwater seawater intrusion barrier.

The project site currently generates approximately 11,502 gpd of wastewater based on the sewer generation factor for multifamily residential unit as identified in the City of Newport Beach General Plan EIR. Implementation of the proposed project would result in approximately 8,880 gpd, by using 370 gpd/du sewer generation factor for single-family residential unit. Therefore, the proposed project would result in a net decrease of 2,622 gpd. However, assuming that the existing residents relocate to other parts of the City boundary, the proposed project would generate additional demand on the overall sewer treatment capacity.

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The proposed 24 units would generate a total of 8,880 gallons per day of wastewater, which would comprise approximately 0.005 percent of the OCSD's average treatment volume and approximately 0.003 percent of the total treatment capacity. With the contribution of such a small percentage of the capacity of OCSD's facilities, construction of the proposed project would not result in the construction or expansion of existing facilities. Impacts from development of the proposed project would be less than significant. No mitigation measures are necessary.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The project site is currently about 95 percent impervious and the proposed project involves design features that would reduce the on-site impervious coverage area to 45 percent. In addition, the proposed project would implement various BMP measures to detain stormwater on-site. Implementation of the proposed project would have beneficial impact compared to the existing use. The proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. Impacts would be less than significant and no mitigation measures are necessary.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less Than Significant Impact. The project site is currently connected to the City of Newport Beach water system, which supplies services to the existing buildings on the project site. The City provides water service to approximately 36 square miles of its planning area.

The City water supplies are imported water purchased from the Municipal Water District of Orange County (MWDOC), groundwater pumped from the Orange County Groundwater Basin, and reclaimed water. Reclaimed water is used only for irrigation purposes and approximately 75 percent of the City's potable water is supplied by the Orange County Groundwater Basin and the remaining 25 percent of the potable water supply is from the imported sources.

The project is not expected to require an unusual amount of water for proposed operations. Assuming 110 percent of the sewer generation factor of 370 gpd, the proposed project is projected to generate the demand for approximately 9,768 gpd. The project site currently generates the demand for approximately 12,652 gpd. Therefore, implementation of the proposed project would result in a net decrease in demand of 2,884 gpd.

During the building permitting process the fire flow requirements would be submitted and the capacity of the existing water distribution system to supply the peak flow rate will be checked.

The proposed project would not require the procurement of additional water entitlement. No significant environmental impacts would occur as a result of the proposed project. No mitigation measures are necessary.

e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. The project site is currently connected to the City's sewer system. As discussed in Section 3.16 (b), the existing facilities are anticipated to have the capacity to accommodate



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the proposed project. The proposed project would not require expansion of any wastewater treatment facilities and therefore would have no physical impacts related to wastewater treatment facilities. No mitigation measures are necessary.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. Orange County has three landfills that could receive waste generated from the proposed project. The Olinda Alpha Landfill, located in the City of Brea, is authorized to receive an annual average of 7,000 tons of waste per day (tpd) and is permitted to receive a daily maximum of 8,000 tpd. The landfill opened in 1960 and is scheduled to close in 2013. The Frank R. Bowerman Landfill, located in the City of Irvine, is currently authorized to receive an annual average of 7,015 tpd and is permitted to receive a daily maximum of 8,500 tpd. The Frank R. Bowerman Landfill is scheduled to close in approximately 2024. The Prima Descheta Landfill, located in the City of San Juan Capistrano, is permitted to accept up to 4,000 tpd. This landfill is scheduled to close in approximately 2040.

The proposed project would not generate significant amounts of solid waste. The total household waste disposal for the City of Newport Beach in 2005 was 33,478 tons per year, or approximately 21 percent of overall disposal. Based on the resident daily disposal factor of 2 lbs per resident per day, the proposed project would generate 108 lbs per day or 39,420 lbs per year (19.71 tons). The solid waste generated by the proposed project would contribute approximately 0.06 percent of the total household waste disposal and even smaller percent in comparison to the City's overall disposal amount. The increase in solid waste generated by the proposed project would be minimal and no additional capacity would be necessary. There is sufficient solid waste disposal capacity in the region to accommodate the expected solid waste generation by the proposed project. Project-related impacts on solid waste disposal capacity would be less than significant.

The proposed demolition of the existing structures would generate construction waste on a short-term basis. It is anticipated that these demolition/construction wastes would be taken to authorized landfills. Since hazardous materials are not accepted at county landfills, hazardous wastes, including abated asbestos containing materials and paints used during construction, would be disposed only at facilities permitted to receive them and in accordance with local, state, and federal regulations. No mitigation measures are necessary.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The proposed project would comply with all federal, state, and local statutes and regulations related to solid waste. The proposed project would also comply with the City's established reduction, reuse, and recycling programs. Additionally, through the City's Development Impact Fee System, fees would be collected from the development of the proposed project to ensure that the project pays its fair share of future expansions of City solid waste collection facilities and equipment. No impacts would occur as a result of the proposed project and no mitigation measures are necessary.

3.17 MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less Than Significant Impact With Mitigation Incorporated. The proposed project is currently developed with a 54-unit apartment complex and does not support the habitat of a fish or wildlife species. Implementation of the proposed project would not impact any protected biological resources. Although the project site has been disturbed in the past and the potential for discovery of examples of the major periods of California history or prehistory is minimal, the potential for subsurface discovery remains and has been mitigated to a less than significant level. No further mitigation measures are necessary.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Less Than Significant Impact. As discussed in the respective issue areas of this study, the proposed project would not have cumulatively considerable environmental impacts. Any potentially significant impact would be mitigated to a level of less than significant. The project would have no cumulatively considerable environmental impacts.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less Than Significant Impact With Mitigation Incorporated. The Initial Study reviewed the proposed project’s potential impacts related to aesthetics, air pollution, noise, health and safety, traffic, and other issues. As discussed in the respective sections of this Initial Study, implementation of the proposed project would result in potentially significant impacts in the areas of air quality, cultural resources, geology and soils, hazards and hazardous materials, and noise, which may cause adverse effects on human beings. However, feasible mitigation measures have been identified to reduce these impacts to less than significant levels. Therefore, the proposed project would have no substantial adverse effects on human beings. No further mitigation measures are necessary.



3. Environmental Analysis

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4. References

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4. References

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5. *List of Preparers*

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Appendix A.
Air Quality Modeling Output



Appendices

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Appendix B.
Archaeological Records Search



Appendices

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Appendix C.
Geotechnical Investigation



Appendices

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Appendix D.
Phase I Environmental Site Assessment



Appendices

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Appendix E.
Water Quality Management Plan



Appendices

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Appendix F.
Noise Modeling Output



Appendices

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